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Regulations and Non-Regulatory Revisions to State Implementation Plan: Florida

Atlantic Environmental Associates, Inc.
Waltham, MA

Prepared for

Environmental Protection Agency
Research Triangle Park, NC

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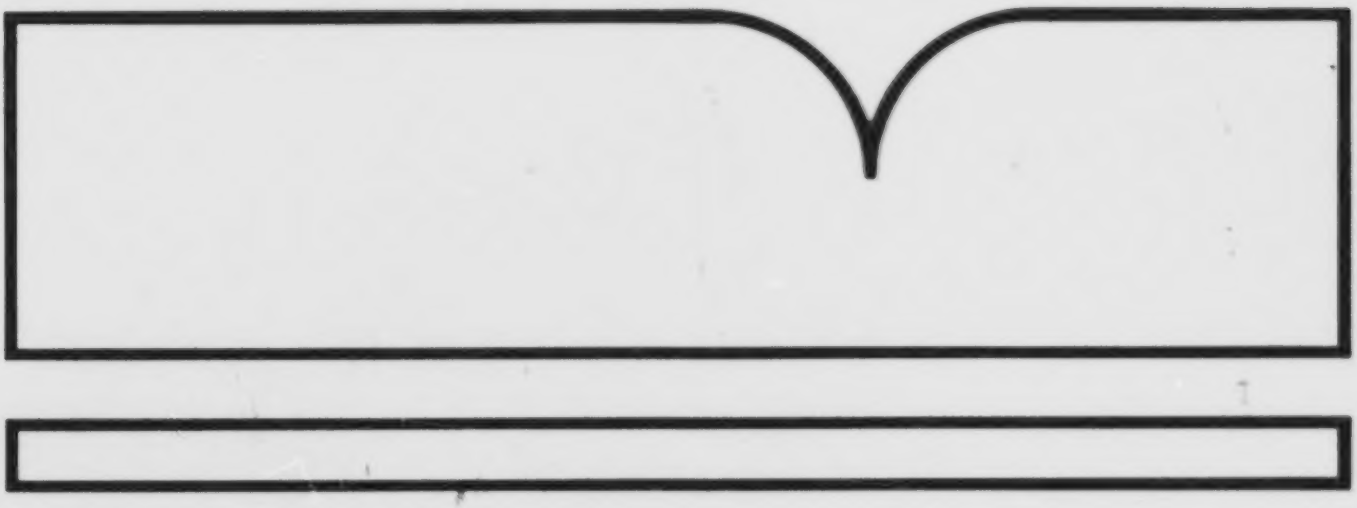

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July 1981

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Regulations and Non-Regulatory Revisions to State Implementation Plan: Florida

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Regulations and Non-Regulatory Revisions to State Implementation Plan: Florida

By

Atlantic Environmental Associates, Inc.
59 Vernon Street
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Contract No. 68-02-3565

EPA Project Officer: Willis P. Beal

Prepared for

U.S ENVIRONMENTAL PROTECTION AGENCY
Control Programs Development Division
Office of Air Quality Planning and Standards
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July 1981

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16. ABSTRACT

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA-approved State and/or local air pollution control regulations cited by reference in the Federal Register; regulations promulgated as of August 1, 1981 have been included in this document.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979. State and/or local air quality regulations which have not been Federally approved as of August 1, 1981, are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations. A summary sheet of the regulatory revisions is provided to give a quick historical assessment of the changes.

The second part of the document contains the text of non-regulatory SIP revisions approved by EPA up to August 1, 1981, excluding notices or certifications of public hearings and technical support data. A complete tabulation of these revisions is also provided.

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This report has been reviewed by the Control Programs Development Division of the Office of Air Quality Planning and Standards, EPA, and approved for publication. Mention of trade names or commercial products is not intended to constitute endorsement or recommendation for use. Copies of the entire document are available for inspection and copying at EPA Headquarters (401 M Street SW, Washington, DC 20460), EPA's Office of Air Quality Planning and Standards (Room 826, 411 West Chapel Hill Street, Durham, NC 27701), and the appropriate EPA Regional Offices. Documents containing only the regulatory portions of each State Implementation Plan may be ordered for a nominal fee from the National Technical Information Services, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

PREFACE

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA approved State and/or local air pollution control regulations cited by reference in the Federal Register; all regulations Federally promulgated as of August 1, 1981 have been included.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979.* State and/or local air quality regulations which have not been Federally approved as of August 1, 1981 are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State or local agencies to enforce such regulations.

This document is not intended to provide a tool for determining the enforceability of any given regulation. Rather, it is intended to provide a comprehensive compilation of those regulations which are incorporated by reference into Title 40, Part 52, of the Code of Federal Regulations (CFR). The exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation in this document does not, in itself, render the regulation enforceable by either the State or EPA.

The regulations have been organized in this document according to the official State/local agency format. However, since State air quality regulations vary widely in their organization, content, and language, a standardized subject index has been added. The index listings consist of both pollutant and activity oriented categories to facilitate usage. For example, regulations which apply to copper smelters may be found under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State are not included herein but can be found under Title 40 Code of Federal Regulations, Part 52.

Additionally, a summary sheet of the regulatory revisions is included to provide a quick historical assessment of the changes. These summary sheets contain the date of submittal to EPA of each revision and the Federal Register publication date on which the revision was approved by EPA. A brief description of the regulation which was submitted is also included.

In accordance with the Act, the second part of the document contains non-regulatory SIP revisions approved by EPA up to August 1, 1981. All approved non-regulatory revisions listed under Identification of Plan in the CFR are included except notices or certifications of public hearings, and technical support data. Non-regulatory submittals which have only received EPA approval on selected elements are included in their entirety with an accompanying indication of the status of Federal actions on the non-approved elements. The non-regulatory revisions have been organized in this document

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* Regulations and Non-Regulatory Revisions to State Implementation Plan: Florida, EPA-450/2-80-016, prepared under Contract 68-02-3388, July 31, 1980.

according to the date of publication of EPA approval in the Federal Register. For historical completeness, a complete tabulation of these revisions is provided at the beginning of this second section.

SUMMARY OF
EPA-APPROVED REGULATORY REVISIONS TO STATE OF FLORIDA SIP
BETWEEN JULY 1, 1979 AND JULY 31, 1981

Publication of Approval	Submittal Date	Page	Document Description
03/18/80	04/30/79	45FR17143	Revisions to Regulation 17-2.
03/18/80	08/27/79	45FR17143	Revisions to Sections 17.202 Definitions, 17.2.3 NonAttainment Areas for Particulate Matter, 17.16 NonAttainment Areas and Emissions for Ozone, 17.17 New Source Review, 17.18 Emissions Offsets and additions to new Sections 17.219 Source Reclassification, 17.20 Intra-Facility Emission Banking, 17.21 Severability.
03/18/80	01/23/80	45FR17143	Revisions to Sections 17.202 Definitions;17.16(4) NonAttainment areas and emission limits for VOC and 17.17 New Source Review for NonAttainment areas.
05/14/81	05/28/80	46FR26641	Revisions to Sections 17.202 (Definitions), 17.16 (NonAttainment Areas and Emission Limits for Ozone), 17.17 (New Source Review In NonAttainment Areas).
07/15/81	07/16/76	46FR36700	Changes in allowable visible emissions from new sulfuric and nitric acid plants 17.204(6), (g) and (b) and particulate emission limits for new Portland Cement plants 17.204(b)(f).

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DEPARTMENT OF POLLUTION CONTROL

CHAPTER 17-2

AIR POLLUTION

17-2.01 DECLARATION AND INTENT

The State of Florida Department of Pollution Control promulgates this chapter to eliminate, prevent, and control air pollution. This chapter shall apply to all sources of air pollution except open burning or the use of outdoor heating devices allowed by chapter 17-5, Florida Administrative Code, unless otherwise provided in this chapter.

To protect and enhance the air quality of Florida, this chapter furthers the Department's nondegradation policy and established ambient air quality standards and emission standards. The polity inherent in the standards shall be to protect the air quality existing at the time the air quality standards were adopted or to upgrade or enhance the quality of the air of the State. In any event, where a new or increased source of air pollution poses a possibility of degrading existing high air quality or ambient air quality established by this chapter, such source or proposed source shall not be issued a Department permit until the Department has reasonable assurance that such source construction or development will not violate this chapter.

This chapter is adopted to achieve and maintain such levels of air quality as will protect human health and safety, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote the economic and social development of this State and facilitate the enjoyment of the natural attractions of this State.

General Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061 FS. History - New 1-11-72.

17-2.02 DEFINITIONS

The following words and phrases when used in this chapter shall, unless context clearly indicates otherwise, have the following meanings:

(1) "Acid Mist" - Liquid drops of any size of any acid including but not limited to sulfuric acid and sulfur trioxide, hydrochloric acid and nitric acid as measured by test methods approved by the Department.

(2) "Administrator" - The Administrator of the United States Environmental Protection Agency or the Administrator's designee.

(3) "Affected Pollutant" - In a nonattainment area or area of influence the pollutant for which the area is designated nonattainment is the affected pollutant except in the case of ozone nonattainment areas where the affected pollutant is volatile organic compounds (VOC).

(4) "Air Pollutant" - Any matter found in the atmosphere other than oxygen, nitrogen, water vapor, carbon, di-oxide, and the inert gases in natural concentrations.

(5) "Air Pollutant Source" or "Source" - Any identifiable unit, process, operation, or activity at which, from or by reasons of which there is emitted into the atmosphere any air pollutant.

(a) "Major Source" - A stationary point source which has the 'potential to emit' 100 tons or more per year of designated air pollutant.

(b) "Minor Source" - A stationary point source which is not deemed to be a major source.

(c) "New Source: - A source which is not in existence or for which a permit to construct has not been issued before the effective date of an applicable section or provision.

(d) "Existing Source" - A source which was in existance, in operation, or under construction, or had received a permit to begin construction prior to Januarary 18, 1972. However, "existing source" for purposes of Sections 17-2.13, 17-2.14, 17-2.15, 17-2.17, and 17-2.18, 17-2.19, and 17-2.20 shall mean any source which is not defined as a new source with respect to a specific rule or provision of any of those sections. For the purpose of 17-2.16, existing sources are those which were constructed or for which a construction permit was issued prior to July 1, 1979.

(6) "Air Pollution Episode" - Any occurance of elevated levels of pollutants in the atmosphere which require hasty and unusual abatement action.

(7) "Allowable Emissions" - The emission rate calculated using the maximum rated capacity of the source or the capacity of the source as limited by permit conditions and the most stringent emission limiting standard applicable to the source or the maximum emission rate specified by permit condition. In no case shall allowable emissions exceed potential emissions.

(8) "Application Area" - The area where a coating is applied by spraying, dipping, or flowcoating techniques.

(9) "Area of Impact" - The geographical region surrounding a facility and extending from the facility out to a distance of fifty kilometers or to a distance where the impact of emissions from the facility decreases to less than 1 ug/m3 annual arithmetic average, whichever distance is less.

(10) "Area of Influence" - An area which is outside the boundary of a nonattainment area but within the locus of all points that are fifty kilometers outside of the boundary of the nonattainment area.

(11) "Asphalt" - A dark brown to black cementitious material (solid, semi-solid, or liquid in consistency) in which the predominating constituents are bitumens which occur in nature as such or which are obtained as residue in refining petroleum.

(12) "Base Emission Limit (BEL)" - The maximum emission offset that any source may possess or be eligible to provide to another source. BEL shall be determined in accordance with applicable provisions of 17-2.18(3).

(13) "Baseline Air Quality Concentration" or "Baseline" - For sulphur dioxide and particulate matter, the applicable ambient concentration levels existing during 1974 plus any additional concentrations for the area of impact estimated to result from sources permitted for construction but not operating prior to January 1, 1975. These concentrations shall be established for all time periods covered by the standards set forth under Section 17-2.06, Florida Administrative Code, and may be either measured or estimated. In the case of the 3-hour and 24-hour concentrations, only the second highest concentrations shall be considered.

(14) "Best Available Control Technology" or "BACT" - An emission limitation based on the maximum degree of reduction of each pollutant emitted which the Department, taking into account energy, environmental and economic impacts, and other costs, determines, on a case by case basis, is achievable through application of production processes and available methods, systems, and techniques for control of each such pollutant.

(15) "Bulk Gasoline Plant" - A gasoline storage and distribution facility which receives gasoline from bulk terminals by trailer transport, stores it in tanks, and subsequently dispenses it via account trucks to farms, businesses, and service stations and which has an annual average daily throughput of less than 20,000 gallons (75,700 liters) but more than 2,000 gallons (7,750 liters) calculated on the basis of days of actual operation.

(16) "Bulk Gasoline Terminal" - A gasoline storage facility which receives gasoline from its supply sources primarily by pipeline, ship, or barge, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tank truck, and has an annual average daily throughput of equal to or more than 20,000 gallons (75,700 liters) of gasoline calculated on the basis of days of actual operation.

(17) "Capacity Factor" - The ratio of the average load on or output of a machine or unit operation to the permitted capacity rating of the machine or unit operation for a normal operation period or cycle. The "capacity factor" shall be expressed as a percent of rating.

(18) "Capture System" - The equipment (including hoods, ducts, fans, etc.) used to contain, capture, or transport a pollutant to a control device.

(19) "Carbonaceous Fuel" - Solid materials composed primarily of vegetative matter such as tree bark, wood waste, bagasse, and/or the combustible fraction of municipal wastes.

(20) "Carbonaceous Fuel Burning Equipment" - A firebox, furnace, or combustion device which burns carbonaceous and fossil fuels for the primary purpose of producing steam or to heat other liquids or gases. The term includes bagasse burners, bark burners, and waste wood burners, but does not include teepee or conical wood burners or incinerators.

(21) "Clean Air Act (CAA)" or "Act" - The federal Clean Air Act (PL 95-95) as amended on August 7, 1977. The above reference is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., and may be inspected at the Department's Tallahassee office.

(22) "Coating Applicator" - An apparatus used to apply a surface coating to a surface.

(23) "Coating Line" - One or more apparatus or operations which include a coating applicator, flashoff area, and oven wherein a surface coating is applied, dried, and/or cured.

(24) "Coating" - The application of a protective film to a surface.

(25) "Coil Coating" - The coating of any flat metal sheet or strip that comes in rolls or coils.

(26) "Cold Cleaning" - The batch process of cleaning and removing soils from metal surfaces by brushing, flushing, or immersion while maintaining the solvent below its boiling point. Wipe cleaning is not included in this definition.

(27) "Cold Mixed Asphaltic Concrete Patching Material" - A mixture of asphalt cement, stone aggregate, and mineral filler blended together with a small amount of petroleum solvent (diluent). The diluent prevents the material from hardening after the heat of mixing has dissipated, thereby allowing stockpile stores of the material for use in pavement repairs when the use of hot asphaltic concrete is impractical.

(28) "Condensate" - Hydrocarbon liquid seperated from natural gas which condenses due to changes in the temperature and/or pressure and remains liquid at standard conditions.

(29) "Continuous Monitoring System" - All equipment, required under a Section 17-2.08 used to calibrate, sample, condition (if applicable), and analyze air emissions, or used to provide a permanent record of emissions or process parameters.

(30) "Conveycrized Degreasing" - The continuous process of cleaning and removing soils from metal surfaces by operating with either cold or vaporized solvents.

(31) "Crude Oil" - A naturally occuring mixture which consists of hydrocarbons and/or sulphur, nitrogen and/or oxygen derivatives of hydrocarbons and which is a liquid at standard conditions.

(32) "Cutback Asphalt" - Asphalt cement which has been liquefied by blending with petroleum solvents (diluents). Upon exposure to atmospheric conditions the diluents evaporate, leaving the asphalt cement to perform its function.

(33) "Delivery Vessel" - Tank trucks or trailers equipped with a storage tank and used for the transport of gasoline from sources of supply to stationary storage tanks of gasoline dispensing facilities.

(34) "Department" - The State of Florida Department of Environmental Regulation.

(35) "Emission Limiting Standard" or "Emission Limits" or "Emission Limitation" - The maximum allowable emission rate, concentration of emission, or level of opacity for an air pollutant source.

(36) "Emission Offset" or "Offset" - A compensating reduction in the emissions rate of an affected pollutant from a permitted source to provide an emission allowance for a new or modified source.

(37) "Emulsified Asphalt" - An emulsion of asphalt cement and water which contains a small amount of an emulsifying agent; a heterogeneous system containing two normally immiscible

phases (asphalt and water) in which the water forms the continuous phase of the emulsion, and minute globules of asphalt form the discontinuous phase.

(38) "End Sealing Compound" - A synthetic rubber compound which when coated on a can end functions as a gasket when the end is assembled on the can.

(39) "Environmental Protection Agency" or "EPA" - The United States Environmental Protection Agency.

(40) "Excess Emissions" - Emissions of pollutants in excess of those allowed by Chapter 17-2, Florida Administrative Code, or by a permit issued pursuant to 17-4, Florida Administrative Code. The term applies only to conditions which occur during startup, shut down, or malfunctions.

(41) "Exterior Base Coating" - A coating applied to the exterior of a can to provide exterior protection to the metal and background for the lithographic or printing operation.

(42) External Floating Roof" - A storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the source between the roof edge and tank shell.

(43) "Fabric Coating" - The coating of a textile substrate with a knife, roll, or rotogravure coater to impart properties that are not initially present, such as strength, stability, water, or acid repellency, or appearance.

(44) "Facility" - Any building, structure, installation, activity, or combination thereof which includes one or more stationary sources of air pollutants, which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person or persons under common control. This term as used in Section 17-2.04 means major emitting facility.

(45) "Firebox" - The chamber or compartment of a boiler or furnace in which materials are burned but does not mean the combustion chamber of an incinerator.

(46) "Flash-off Area" - The space between the application area and the oven.

(47) "Fossil Fuel" - Natural gas, petroleum, coal, or any form of solid, liquid or gaseous fuel derived from such material.

(48) "Fossil Fuel Steam Generators" - Furnaces and boilers which produce steam by combustion of oil, coal, or gas of fossil origin.

(49) "Freeboard Height" -

(a) For heated vapor degreasers is the distance from the top of the vapor zone to the top of the degreasor tank.

(b) For cold cleaning degreasers is the distance from the solvent to the top edge of the cold cleaner.

(50) "Freeboard Ratio" - The freeboard height divided by the width of the degreaser.

(51) "Fugitive Particulate" - Particulate matter which escapes and becomes airborne from unenclosed operations or which is emitted into the atmosphere without being conducted through a flue pipe, stack, or other structure designed for the purpose of emitting air pollutants into the atmosphere.

(a) "Fugitive Dust" - Particulate emissions composed of soil uncontaminated by pollutants resulting from industrial activity.

(52) "Gasoline" - Any petroleum distillate having a Reid vapor pressure of 4 psia (27.6 kilopascals) or greater.

(53) "Gasoline Dispensing Facility" - Any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.

(54) "Hydrocarbon" - Any organic compound of carbon and hydrogen only.

(55) "Incinerator" - A combustion apparatus designed for the ignition and burning of solid, semi-solid, liquid, or gaseous combustible wastes.

(56) "Interior Base Coating" - A coating applied by roller coater or spray to the interior of a can to provide a protective lining between the can metal and product.

(57) "Interior Body Spray" - A coating sprayed on the interior of the can body to provide a protective film between the product and the can.

(58) "Internal Floating Roof" - A cover or roof in a fixed roof tank which rests upon or is floated upon the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.

(59) "Knife Coating" - The application of a coating material to a substrate by means of drawing the substrate beneath a knife that spreads the coating evenly over the full width of the substrate.

(60) "Kraft Pulp Mill" - An industrial operation that processes wood to produce cellulose or cellulose materials by means of chemically cooking the wood with a liquor consisting of an alkaline sulfide solution containing sodium hydroxide and sodium sulfide, also known as the sulfate process.

(61) "Large Appliances" - Doors, cases, lids, panels, and interior support parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditions, and other similar products.

(62) "Lease Custody Transfer" - The transfer of produced crude oil and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(63) "Loading Rack" - An aggregation or combination of loading equipment arranged so that all loading outlets in the combination can be connected to a tank truck or trailer.

(64) "Lowest Achievable Emission Rate" or "LAER" - An allowable emission rate determined in accordance with the provisions of 17-2.17(6). This term applied to a modification means the lowest achievable emission rate for that portion of the facility which is modified.

(65) "Magnet Wire Coating" - The process of applying a coating of electrically insulating varnish or enamel to aluminum or copper wire for use in electrical machinery.

(66) "Major Emitting Facility" - Any building, structure or installation, which includes one or more sources which individually or in combination have the potential to emit 100 tons per year or more of any air pollutant and which falls within one of the following categories:

(a) Fossil fuel fired steam electric plants of more than 250 million British thermal units per hour heat input,

(b) Coal cleaning plants with thermal dryers,

(c) Kraft Pulp Mills,

(d) Portland cement plants,

(e) Primary zinc smelters,

(f) Iron and steel mill plants,

(g) Primary aluminum ore reduction plants,

(h) Primary copper smelters,

(i) Municipal incinerators capable of charging more than 250 tons of refuse per day,

(j) Hydroflouric acid plants,

(k) Sulfuric acid plants,

(l) Nitric acid plants,

(m) Petroleum refineries,

(n) Lime plants,

(o) Phosphate rock processing plants,

(p) Coke oven batteries,

(q) Sulfur recovery plants,

(r) Carbon black plants (furnace process),

(s) Primary lead smelters,

(t) Fuel conversion plants,

(u) Sintering plants,

(v) Secondary metal production facilities,

(w) Chemical process plants,

(x) Fossil fuel boilers or boilers of more than 250 million British thermal units per hour heat input,

(y) Petroleum storage and transfer facilities with a total storage capacity exceeding 300,000 barrels,

(z) Taconite ore processing facilities,

(aa) Glass fiber processing plants,

(bb) Charcoal production facilities;

Any other building, structure, or installation, which includes one or more sources which individually or in combination have the potential to emit 250 tons per year or more of any air pollutant.

(67) "Malfunction" - Any unavoidable mechanical and/or electrical failure of air pollution control equipment or process equipment or of a process resulting in operation in an abnormal or unusual manner.

(68) "Metal Furniture Coating" - The surface coating of any furniture made of metal or any metal part which will be assembled with other metal, wood, fabric, plastic, or glass parts to form a furniture piece.

(69) "Minor Betterment of Public Roads" - Improvements to existing public roads intended to increase their safety and serviceability as the need is dictated by increased traffic levels, or other changes in their use. These improvements could include, but are not limited to, the extension or construction of acceleration lanes, deceleration lanes, turning storage lanes, or median crossovers.

(70) "Modification" - Any physical change in, or change in the method of operation, or addition to a stationary facility which increases the potential to emit any air pollutant including any not previously emitted from any source within such facility.

A physical change shall not include routine maintenance, repair, and replacement.

A change in the method of operation, unless previously limited by an enforceable permit condition, shall not include:

An increase in the production rate, if such increase does not exceed the operating design capacity of the source;

An increase in the hours of operation;

Use of an alternative fuel or raw material, if prior to January 6, 1975, the source was capable of accomodating such fuel or raw material.

Change in ownership of the source or facility.

(a) "Major Modification" - A modification to a stationary facility which increases the facility's potential to emit an air pollutant by 100 tons per year or more.

(b) "Minor Modification" - Any modification which is not a major modification.

(71) "Nitric Acid Plant" - Any facility producing weak nitric acid by employing either the pressure or atmospheric pressure process.

(72) "Nonattainment Area" - Any area not meeting ambient air standards and designated as a nonattainment area in this rule. Such an area may be designated as a particulate, sulfur dioxide, nitrogen dioxide, carbon monoxide or ozone

nonattainment area, depending on which air pollutant standard has been violated. An area may be designated as nonattainment for more than one air pollutant.

(73) "New Source Allowance" - An emission allowance as provided in 17-2.17 (5) and (7) to accomodate the growth in emissions resulting from the operation of new or modified sources in a nonattainment area.

(74) "Objectable Odor" - Any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance.

(75) "Odor" - A sensation resulting from stimulation of the human olfactory organ.

(76) "Opacity" - A condition which renders material partially or wholly impervious to rays of light causing obstruction of observer's view.

(77) "Open Top Vapor Degreasing" - The batch process of cleaning and removing soils from metal surfaces by condensing hot solvent vapor on the colder metal parts.

(78) "Organic Compounds" - Any substance that contains the element carbon, except carbon oxides, and various carbonates.

(79) "Oven"- A chamber within which heat is used to bake, cure, polymerize, and/or dry a surface coating.

(80) "Overvarnish" - A coating applied directly over ink to reduce the coefficient of friction, to provide a gloss, and to protect the finish against abrasion and corrosion.

(81) "Owner" or "Operator" - Any person or entity who or which owns, leases, operates, controls, or supervises a stationary source.

(82) "Paper Coating" - Coatings put on paper and pressure sensitive tapes regardless of substrate. Related web coating processes on plastic film and decorative coatings on metal foil are included in this definition.

(83) "Particulate Matter" - Any material, other than uncombined water, which exists in a finely divided form as a liquid or solid, as measured by the sampling methods approved by the Department.

(84) "Penetrating Prime Coat" - An application of low viscosity liquid asphalt to an absorbent surface. It is used to prepare an untreated base for an asphalt surface. The prime penetrates the base and plugs the voids, hardens the top,

and helps bind to the overlying asphalt course. It also reduces the necessity of maintaining an untreated base course prior to placing the asphalt pavement.

(85) "Petroleum Liquids" - Means petroleum condensate and any finished or intermediate products manufactured in a petroleum refinery but does not mean No. 2 through No. 6 fuel oils as specified in ASTM D 396-69, gas turbine fuel oils No. 2-GT through No. 4-GT as specified in ASTM D 2880-71, or diesel fuel oils No. 2-D and No. 4-D as specified in ASTM D 975-68.

(86) "Petroleum Refinery" - Any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of crude oils, or through redistillation, cracking, extraction, or reforming of unfinished petroleum derivatives.

(87) "Plant Section" - A part of a plant consisting of one or more unit operations including auxiliary equipment which provides the complete processing of input (raw) materials to produce a marketable product, including but not limited to, granular triple super phosphate, phosphoric acid, run-of-pile triple super phosphate, and diammonium phosphate, or one or more unit operations including auxiliary equipment or structures which are used for the functions such as: storage, shipping, loading, unloading, or bagging.

(88) "Portland Cement Plant" - Any facility manufacturing Portland Cement by either the wet or dry process.

(89) "Potential to Emit" - The capability at maximum capacity to emit a pollutant in the absence of air pollution control equipment. "Air pollution control equipment" includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. If the general type of control equipment is vital to the operation of the process, but has a collection/conversion efficiency greater than that needed to produce the normal product, or to operate the process in the normal manner, only that portion of the efficiency which is vital to the normal operation of the process will be used in computing "potential to emit". Annual potential shall be based on the maximum annual rated capacity of the source, unless the source is subject to enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type or amount of materials combusted or processed shall be used in determining the potential emission rate of a source.

(90) "Prime Coat" - The first film of coating applied in a multi-coat operation.

(91) "Process Weight" - The total weight of all materials introduced into any process. Solid fuels and recycled materials are included in the determination of process weights: but uncombined water, liquid and gaseous fuels, combustion air, or excess air are not included.

(92) "Quench Area" - A chamber where the hot metal exiting the oven is cooled by either a spray of water or a blast of air followed by water cooling.

(93) "Reasonably Available Control Technology" or "RACT" - The lowest emission limit that a particular source is capable of emitting by the application of control technology that is reasonably available considering technological and economic feasibility. It may require technology that has been applied to similar, but not necessarily identical, source categories.

(94) "Reconstruction" - Subject to the conditions set forth in 17-2.19, reconstruction of a source is presumed if the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new source. A reconstructed source is treated as a new source for the purposes of this rule.

(95) "Redesignation of an Area" - The reclassification of an area to a different deterioration class or the redefinition of the boundaries of an area.

(96) "Refinery Fuel Gas" - Any gas which is generated by a petroleum refinery process unit and which is combusted, including any gaseous mixture or natural gas and fuel gas.

(97) "Reid Vapor Pressure" - The absolute vapor pressure of volatile crude oil and volatile non-viscous petroleum liquids except liquefied petroleum gases as determined by American Society for Testing and Materials, Part 17, 1973, D-323-72 (Reapproved 1977).

(98) "Relocatable Facility" - A facility such as, but not limited to, an asphalt plant, portable power generator, and cement batch plant, which is designed to be physically moved to, and operated on, different sites by being wholly or partially dismantled and reerected in essentially the same configuration. It shall not be operable while in transit.

(99) "Ringelmann Chart" - The Chart published and described in the U. S. Bureau of Mines Information Circulars No. 8333 and No. 7718. The above references are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., and may be inspected at the Department's Tallahassee office.

(100) "Roll Coating" - The application of a coating material to a substrate by means of hard rubber or steel rolls.

(101) "Rotogravure Coating" - The application of coating material to a substrate by means of a roll coating technique in which the pattern to be applied is etched on the coating roll. The coating material is picked up in these recessed areas and is transferred to the substrate.

(102) "Routine Maintenance of Public Roads" - Those activities necessary to maintain the public highway system in as near original condition as is practical. Not to include large scale resurfacing, or reconstruction.

(103) "Rural Ozone Nonattainment Area" - A nonattainment area, designated for the air pollutant, ozone, which does not have an urban place with a population of 200,000 or more based on the most recent U.S. Government census.

(104) "Sand Seal Coat" - A thin asphalt surface treatment designed to seal surface cracks in existing pavements for the purpose of preventing the intrusion of water into the pavement base. The sand seal coat consists of a light application of liquid asphalt covered with fine aggregate.

(105) "Secretary" - The Secretary of the Department.

(106) "Series of Modifications" - Changes to sources within a facility including changes to process, equipment, or procedures which increase emissions of a given pollutant, from any source within the facility including construction of a new source within such facility. The changes shall have the following common factors:

(1) Occurring at a single facility or location,

(2) Common or successive ownership or control,

(3) Occurring after December 21, 1976, or since the time of the last construction approval issued for the facility pursuant to Section 17-2.17(5), whichever time is more recent.

(107) "Shutdown" - The cessation of the operation of a source for any purpose.

(108) "Single Coat" - Single film of coating applied directly to the metal substrate omitting the primer application.

(109) "Solvent" - Organic materials which are liquid at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

(110) "Solvent Metal Cleaning" - The process of cleaning soil from metal surfaces by cold cleaning or open top vapor degreasing or conveyorized degreasing.

(111) "Stagnant Atmospheric Condition" - The atmospheric and meteorological conditions which cause a reduction in the diffusion and dispersement of air pollutants in the atmosphere.

(112) "State Implementation Plan (SIP)" or "Implementation Plan" - The EPA approved plan which section 110 of the Act requires a state to submit to the Administrator.

(113) "Standard Conditions" - A temperature of 68 deg Fahrenheit (20 deg C) and a pressure of 14.7 pounds per square inch absolute (760 mm Hg).

(114) "Startup" - The commencement of operation of any source which has shut down or ceased operation for a period of time sufficient to cause temperature, pressure, chemical, or pollution control device imbalances, which result in excess emissions.

(115) "Submerged Filling" -

(a) Tank Trucks: filling with a drop tube which extends within 6" of the bottom of the compartment or through a nozzle installed at or within 6" of the bottom.

(b) Service Station Underground Tanks: filling with a drop tube or pipe which extends to within 6" of the tank bottom.

(c) Terminal or Bulk Plant Storage Tanks: filling through an outlet located in accordance with API standard 650 welded steel tanks for oil storage; Section 3.6.3 Shell nozzles, or otherwise located near the tank bottom to minimize splash.

(116) "Sulfur Recovery Plant" - Any plant that recovers sulfur from crude (unrefined) petroleum materials.

(117) "Sulfuric Acid Plant" - Any installation producing sulfuric acid by burning elemental sulfur, alkylation acid, hydrogen sulfides, organic sulfides, and mercaptans, or acid sludge.

(118) "Tack Coat" - A light application of liquid asphalt to an existing asphalt pavement or base to insure a bond between the surface being paved, or repaired, and the overlying paving, or patching material.

(119) "Temporary Facility" - A facility which is permitted to operate at a single location for a period of 90 days or less.

(120) "Three-Piece Can Side-Seam Spray" - A coating sprayed on the exterior and interior of a welded, cemented, or soldered seam to protect the exposed metal.

(121) "Topcoat" - The final film of coating applied in a multiple coat operation.

(122) "True Vapor Pressure" - The equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from Floating Roof Tanks", 1962. The above reference is available from American Petroleum Institute, 2101 L. Street, Northwest Washington D.C. and may be inspected at the Department's Tallahassee office.

(123) "Two-Piece Can Exterior End Coating" - A coating applied by roller coating or spraying to the exterior end of a can to provide protection to the metal.

(124) "Vapor Balance System" - A combination of pipes or hoses which create a closed system between the vapor space of an unloading tank and a receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded.

(125) "Vapor Collection System" - A vapor transport system which uses direct displacement by the liquid loaded to force vapors from the tank into a vapor control system.

(126) "Vapor Control System" - A system that will not allow emissions of volatile organic compounds in the displaced vapor at a rate greater than 80 milligrams per liter (4.7 gr. gal.) of gasoline transferred.

(127) "Vapor Recovery System" - A system that collects and conserves vapors that would otherwise be released to the atmosphere.

(128) "Vinyl Coating" - Applying a decorative or protective topcoat, or printing on vinyl-coated fabric or vinyl sheets.

(129) "Visable Emission" - An emission greater than 5 percent opacity or 1/4 Ringelmann measured by standard methods.

(130) "Volatile Organic Compounds" or "Organic Solvents" - Any chemical compound containing carbon or carbon and hydrogen in combination with any other element, which has a vapor pressure greater than 0.10 mm Hg under standard conditions, or any mixture of compounds containing carbon or carbon and hydrogen in combination with any other element, which has a vapor pressure greater than 0.10 mm Hg at standard conditions. For a single compound or a mixture of compounds, the total vapor pressure is determined by the Reid vapor pressure test according to ANSI/ASTM D 323-72 (Reapproved, 1977), which is available from ASTM, 1916 Race Street, Philadelphia, PA 19103, and may be inspected at the Department's Tallahassee office. The vapor pressure attributable to the Volatile Organic Compounds in a mixture of compounds is determined by summing the molar fractional vapor pressure contribution of each individual Volatile Organic Compound.

17-2.03 GENERAL RESTRICTIONS

(1) Latest Reasonably Available Control Technology.

(A) Determination - the Department shall determine Latest Reasonably Available Control Technology.

(1) In making the determination the Department shall give due consideration to:

a. Environmental Protection Agency determination of Reasonably Available Control Technology pursuant to 40 C.F.R. Section 51.1 (o) and 40 C.F.R., Part 51, Appendix B; and Environmental Protection Agency determinations of Standards of Performance for New Stationary Sources, pursuant to 40 C.F.R., Part 60:

b. All scientific, engineering, and technical material, reports, publications, journals, and other competent relevant information made available to or known by the Department.

c. Recommendations of any ad hoc technical advisory committee appointed pursuant to paragraph 3 of this Subsection (17-2.03 (1) (a)).

(2) The Department shall specify and publish its determination of Latest Reasonably Available Control Technology by source or category of sources.

(3) To assist the Department in making the determination of Latest Reasonably Available Control Technology, the Executive Director may appoint an ad hoc technical advisory committee of persons with expertise and knowledge in the particular matter under consideration. The committee shall be representative of academic, industry, citizen, and conservation interests.

(4) Any citizen or affected party may request a determination of Latest Reasonably Available Control Technology for a source or category of sources. Such request shall be in writing with a comprehensive summary of available information on Control Technology for the particular source or category of sources.

(5) The determination of Latest Reasonably Available Control Technology shall be made by the Florida Pollution Control Board only after notice and public hearing.

(6) Determinations of Latest Reasonably Available Control Technology shall be periodically reviewed by the Department, and shall be subject to revision subsequent to such review if the Department determines, on the basis of competent substantial evidence, that different equipment, devices or processes will result in a reduction of emissions.

(B) Application

(1) If the Latest Reasonably Available Control Technology as may be applied to air pollutant sources results in or is expected to result in lower or improved air pollutant emissions, then the Latest Reasonably Available Control Technology shall be applied, except that the Latest Reasonably Available Control Technology need not be applied:

a. If ambient air standards are being complied with; and

b. If omission limitations are being complied with; and

c. If the source complies with all requirements of any duly promulgated air quality maintenance or imporvement plan adopted by the Department or approved local pollution control program; and

d. If the source complies with the Department's rule on nondegradation of air quality.

(2) Before requiring any source to apply, install, or use Latest Reasonably Available Control Technology the Department shall:

a. Give due consideration of all the following:

1. The necessity of imposing the level of emission limitation which would be achieved by the application of such technology in order to attain and maintain Ambient Air Quality Standards specified in Section 17-2.05, and prevent degradation of air quality in accordance with these rules; and

2. The social and economic impact of the application of such technology, including consideration of any useful life of presently installed, permitted control equipment and the amortization of the value of such equipment balanced with the cost and advantages of the new technology; and

3. The energy consumption or conservation associated with such technology; and

4. Alternative means of providing for attainment and maintenance of the Ambient Air Quality Standards specified in Section 17-2.05, and the prevention of degradation of air quality in accordance with these rules; and

5. Secondary pollution problems created by the application of any particular technology.

b. Provide the owner or operator of the source adequate notice and an opportunity for public hearing.

(3) This Subsection, (17-2.03 (1) (b)) does not relieve any person from complying with applicable statutes and rules and regulations of the Department including emission limiting standards.

(2) Existing Source Compliance - Except where compliance dates are specified, existing sources shall comply with this chapter as expeditiously as possible but in no case later than July 1, 1975.

(3) Operation Rates - No plant or source shall operate at capacities which exceed the limits of operation of a control device to maintain the air emission within the standard limitation imposed by this chapter, or by permit conditions.

(4) (a) Air Quality Standards Violated - No person shall build, erect, construct, or implant any new source or operate, modify or rebuild an existing source or by any other means release or take action which would result in release of air pollutants into the atmosphere of any region, which will, as determined by the Board, result in, including concentrations of existing air pollutants, ambient air concentrations greater than ambient air quality standards.

(b) Nondegradation - In those counties of the State which have, on the effective date of this chapter, better air quality than that defined by the Ambient Air Quality Standards, no person shall emit into the atmosphere any air pollutant which degrades that quality.

(5) Concealment - No person shall build, erect, install or use any article, machine, equipment or other contrivance, the use of which will conceal an emission which would otherwise constitute a violation of any of the provision of this chapter.

(6) Circumvention - No person shall circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly.

(7) Maintenance - All air pollution control devices and systems shall be properly and consistently maintained in order to maintain emissions in compliance with Department Rules.

General Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061 FS. History - New 1-11-72.

17-2.05 PROHIBITIVE ACTS

(1) Visible Emissions - No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere any air pollutants from:

(a) New, and after July 1, 1975, or existing sources, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart or the opacity of which is equal to or greater than 20 percent.

(b) This subsection 17-2.05(1) does not apply to emissions emitted in accordance with specified emission limiting standards or in accordance with the process weight table (Table I) provided in this chapter.

(c) If the presence of uncombined water is the only reason for failure to meet visible emission standards given in this section such failure shall not be a violation of this rule.

(2) Particulate Matter - No person shall cause, let, permit, suffer, or allow the emission of particulate matter from any air pollutant source in total quantities in excess of the amount shown in Table I, except as otherwise provided for in this chapter for specific emission limiting standards of particulate matter from specified sources.

PROCESS WEIGHT TABLE

TABLE I

Process Weight Rate (tons per hour)	Emission Rate (pounds per hour)
.025	0.30
.050	0.55
.250	1.53
.500	2.25
2.5	6.34
5	9.73
10	14.99
30	29.83
40	31.23
60	33.33
80	34.90
100	36.17
200	40.41
500	46.79

Interpolation of the data in Table I for the process weight rates up to 60,000 pounds per hour shall be accomplished by the use of the equation: $E = 3.59P^{0.62}$, P less than or equal to 30 tons per hour and interpolation and extrapolation of the data for process weight rates in excess of 30 tons per hour shall be accomplished by use of the equation: $E = 17.31P^{0.16}$, P is greater than 30 tons per hour. Where: E = Emissions in pounds per hour. P = Process Weight rate in tons per hour. Application of mass emission limitations on the basis of all similar units at a plant is recommended in order to avoid unequal application of this type of limitation to plants with the same total emission potential but different size units. Upon establishing the total mass limitation, individual source emissions will be determined by prorating the mass emission total on the basis of the percentage weight input to each source process.

(3) Fugitive Particulate - No person shall cause, let, permit, suffer or allow the emissions of particulate matter, from any source whatsoever, including but not limited to vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrially related activities such as loading, unloading, storing or handling,without taking reasonable precautions to prevent such emission, except particulate matter emitted in accordance with the process weight table (Table I), the visible emissions standards or specific source limiting standards specified in this chapter.

(4) Objectionable Odor Prohibited - No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor.

(5) Volatile organic compounds emissions or organic solvents emissions.

(a) No person shall store, pump, handle, process, load, unload or use in any process or installation volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department.

(b) All persons shall use reasonable care to avoid discharging, leaking, spilling, seeping, pouring, or dumping volatile organic compounds or organic solvents.

(6) Stationary sources - No person shall cause, let, permit, suffer, or allow to be discharged into the atmosphere emission from the listed sources greater than any emission limiting standard given in Table II.*

*Variance granted to Florida Power and Light; see 2/29/80 Federal Register approval of 8/31/79 submittal. Also 9/10/80 approval of 2/4/80 submittal.

TABLE II

EMISSION LIMITING STANDARDS

Stationary Sources	Particulates	Objectionable odor	Visible emissions	SO_2 per ton of 100% acid produced	Acid mist per ton on 100% acid produced	Fluorides (water soluable or gaseous-atomic weight 19) expressed as pounds of fluoride per ton of phosphatic materials input to the system as tons of P_2O_5
A. INCINERATORS						
(1) New incinerators with a charging rate of fifty or more tons per day	0.08 grains per standard cubic foot dry gas corrected to 50 percent excess air	None allowed				
(2) New and existing incinerators with a charging rate of less than 50 tons per day			None allowed (except for up to three minutes in any one hour at densities up to but not more than a density of Ringelmann number 1 (20 percent opacity)			
(3) Existing incinerators with a charging rate of fifty or more tons per day	0.1 grains per standard cubic foot dry gas corrected to 50 percent excess air					
B. SULFURIC ACID PLANTS						
(1) Existing plants - Effective July 1, 1975						
(a) Florida portion of the Jacksonville, Florida - Brunswick, Georgia, Interstate Air Quality Control Region as defined in 40 C.F.R. Section 81.91			A plume with visibility no greater than ten percent opacity	29 pounds		
(b) All other areas of the State of Florida				10 pounds		
(2) New plants				4 pounds	0.15 pounds	
C. PHOSPHATE PROCESSING						
(1) New plants or plant sections						
(a) Wet process phosphoric acid production and auxiliary equipment						0.02 pounds
(b) Run-of-pile triple superphosphate (TSP) mixing belt and den and auxiliary equipment						0.05 pounds
(c) Run-of-pile TSP curing or storage process and auxiliary equipment						0.12 pounds

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TABLE II

EMISSION LIMITING STANDARDS

Stationary Sources	Particulates	Objectionable odor	Visible emissions	Fluorides (water soluable or gaseous atomic weight 19) expressed as pounds of fluoride per ton of phosphatic materials input to the system expressed as tons of P_2O_5
C. PHOSPHATE PROCESS (cont.)				
(1) (d) Granular triple superphosphate (GTSP) production and auxiliary equipment				
1. GTSP made by granulating run-of-pile TSP				0.06 pounds
2. GSTP made from phosphoric acid and phosphate rock slurry				0.15 pounds
(e) GTSP storage and auxiliary equipment				0.05 pounds
(f) Diammonium phosphate production and auxiliary equipment				0.06 pounds
(g) Calcining or other thermal phosphate rock processing and auxiliary equipment excepting phosphate rock drying and defluorinating				0.05 pounds
(h) Defluorinating phosphate rock by thermal processing and auxiliary equipment				0.37 pounds
(i) All plants, plant sections or unit operations and auxiliary equipment not listed in 17-2.05(6) Table II items C.(1) (a) through (h).	Must comply with best technology pursuant to 17-2.03(1)			
(2) Existing plants or plant sections. Emissions shall comply with 17-2.05(6) Table II Item C (1). Effective July 1, 1975 or				
(3) Existing plant complexes with an operating wet process phosphoric acid section (including any items 17-2.05(6) Table II items C.(1)(a) through (f) and other plant sections processing or handling phosphoric acid or products or phosphoric acid processing.				Total emission of the entire complex shall not exceed 0.4 pounds per ton of P_2O_5 input to the wet process phosphoric acid section
(4) Individual plant sections included in 17-2.05(6) Table II items C.(1) (a) through (f) but not included as a part as defined in C. (3)	If it can be shown by comprehensive engineering study and report to the Department that the existing plant sections are not suitable for the application of existing technology, which may include major rebuilding or repairs and scrubber installations, the emission limiting standard to apply will be the lowest obtained by any similar plant section existing and operating.			

TABLE II

EMISSION LIMITING STANDARDS

Stationary Sources	Particulates	Visible emissions	Total reduced sulfur	Sulfur dioxide per million BTU heat input	Nitrogen oxides, per million BTU heat input, Maximum 2 hr. avg. expressed as NO_2
D KRAFT (SULFATE LIQUOR) PULP MILLS BLACK LIQUOR RECOVERY FURNACES					
(1) New plants	No greater than three pounds per each 3000 pounds of black liquor solids fed.		No greater than one ppm as H_2S on the dry basis or 0.03 pound per 3000 pounds black liquor solids fed, whichever is the more restrictive		
(2) Existing plants			17.5 ppm expressed as H_2S on a dry gas basis, or one-half (0.5) pounds per 3000 pounds of black liquor solids fed, whichever is more restrictive		
E FOSSIL FUEL STEAM GENERATORS					
(1) Plants with more than 250 million BTU per hour heat input	0.1 pounds per million BTU heat input, maximum two hour average	Density of which is equal to or greater than Number 1 of the Ringelmann Chart (20 percent opacity) except that a shade as dark as Number 2 of the Ringelmann Chart (40 percent opacity) shall be permissible for no more than 2 minutes in any hour.			
(a) New sources burning					
1. Liquid fuel				0.8 pounds maximum two hour average	0.30 pounds
2. Solid fuel				1.2 pounds maximum two hour average	0.70 pounds
3. Gaseous fuel					0.20 pounds
(b) Existing sources					
1. Liquid fuel					
a. Duval County North of Heckscher Drive excluding Jacksonville Electric Authority Northside Generating Stations				2.5 pounds maximum two hour average	

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TABLE II

EMISSION LIMITING STANDARDS

Stationary Sources	Particulates	Visible emissions	Sulfur dioxide per million BTU heat input
E. FOSSIL FUEL STEAM GENERATORS (cont.)			
(1) (b) 1. b. All other sources in Duval County.	0.1 pounds per million BTU heat input, maximum two hour average	Density of which is equal to or greater than Number 1 of the Ringelmann Chart (20 percent opacity) except that a shade as dark as Number 2 of the Ringelmann Chart (40 percent opacity) shall be permissible for not more than 2 minutes in any one hour	1.65 pounds per million BTU heat input
c. Hillsborough county including Tampa Electric Co. Gannon Station units 1 through 4 and Hooker's Point Generating Station.			1.1 pounds per million BTU heat input
d. Escambia county, Gulf Power Co. Crist Steam Plant units 1, 2 and 3.			1.88 pounds per million BTU heat input
e. Escambia county, Monsanto Textiles Co. boiler units 1 through 8 in the aggregate.			57.5 tons per any 24 hour period
f. All other areas of the State			2.75 pounds per million BTU heat input
2. Solid fuel			
a. Hillsborough county, Tampa Electric Co. Francis J. Gannon Generating Station Units 5 and 6.			2.4 pounds per million BTU heat input
b. All other areas of the State.			6.17 pounds per million BTU heat input
3. Existing sources rule re-evaluation – This rule shall be re-evaluated and reconsidered by the Commission at public hearing prior to October 1, 1978. As part of the re-evaluation and reconsideration required by this rule, the Department shall consider and give due weight to all competent substantial evidence including any findings and conclusions of any studies directed or supervised by the Commission. Unless the Commission finds that the sulfur dioxide emission limitations set forth in 17-2.05(6) Table II, item E. (1)(b) adequately protect public health and welfare, existing fossil fuel steam generators shall be subjected to compliance schedules which must be submitted to the Department on or before November 1, 1978, and which propose increments of progress dated that will as expeditiously as possible bring them into compliance with the following:			
a. Liquid fuel			1.1 pounds per million BTU heat input
b. Solid fuel			1.6 pounds per million BTU heat input
If the Commission finds that the sulfur dioxide emission limitations set forth in 17-2.05(6) Table II item E. (1)(b) 3. adequately protect public health and welfare this rule shall be continued or amended to reflect such findings and conclusions.			
4. Owners of fossil fuel steam generators shall monitor their emissions and the effects of the emissions of ambient concentrations of sulfur dioxide, in a manner, frequency, and locations approved, and deemed reasonably necessary and ordered by the Department. The owners shall submit to the Department a written proposal for such monitoring program on or before July 1, 1975.			
5. A rule for limiting nitrogen oxides emission from existing fossil fuel steam generators will be considered by the Environmental Regulation Commission by July 1, 1979.			

TABLE II

EMISSION LIMITING STANDARDS

Stationary Sources	Particulates	Visible emissions	Sulfur dioxide	Nitrogen oxides, (NO_2 per million BTU heat input, Maximum 2 hour average
(1) (a) New sources not subject to Federal standards of performance for stationary sources promulgated under section 111(a), Federal Clean Air Act 42 U.S.C. 1857, et seq.)	0.1 pounds per million BTU heat input, maximum two hour average	Density of which is equal to or greater than Number 1 of the Ringelmann Chart (20 percent opacity) except that a shade as dark as Number 2 of the Ringelmann Chart (40 percent opacity) shall be permissible for no more than 2 minutes in any hour.		
1. Tampa Electric Company's Big Bend Generating Station Units 1, 2, and 3 burning solid fuel				
a. Units 1, 2, and 3				
i. Prior to October 1, 1977, The contingency plan, which is now in force which includes steps to be taken in order to curtail emissions when ambient concentrations may exceed the standard, shall be resubmitted by May 1, 1977, and implemented by July 1, 1977				
ii. After September 30, 1977, through and including July 1, 1979			Units 1, 2, and 3 in total shall not emit more than 35 tons per hour of sulfur dioxide on a three hour average but in no case to exceed a two hour average emission of 6.5 pounds of sulfur dioxide per million BTU Units 1, 2, and 3 in total shall not emit more than 25 tons per hour of sulfur dioxide on a 24 hour average	
b. Unit 3 after July 1, 1979			1.20 pounds of sulfur dioxide maximum two hour average per million BTU heat input	
2. Florida Power and Light Company's Manatee Generating Station, Willow Site, Manatee County burning liquid fuel			1.10 pounds of sulfur dioxide maximum two hour average per million BTU heat input	0.30 pounds maximum two hour average
a. Units 1 and 2				
i. Prior to August 1, 1979				
ii. By August 1, 1979			0.8 pounds of sulfur dioxide maximum two hour average per million BTU heat input	

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TABLE II

EMISSION LIMITING STANDARDS

Stationary Sources	Particulates	Visible emissions	Nitrogen oxides, (NO_2 per million BTU heat input, Maximum 2 hour average	Sulfur dioxide per million BTU heat input
E. (1) (c) 3. Jacksonville Electric Authority's Northside Generating Station, Jacksonville, Florida burning liquid fuel.	0.1 pounds per million BTU heat input, maximum two hour average	Density of which is equal to or greater than Number 1 of the Ringelmann Chart (20 percent opacity) except that a shade as dark as Number 2 of the Ringelmann Chart (40 percent opacity) shall be permissible for not more than 2 minutes in any one hour		
a. Units 1 and 2				
i. Prior to August 1, 1978. A contingency plan, which shall include steps to be taken in order to curtail emissions when ambient concentrations may exceed the standard, shall be submitted by May 1, 1977, and implemented by July 1, 1977.				1.98 pounds, maximum two hour average
ii. By August 1, 1978				1.65 pounds
b. Unit 3			0.30 pounds	
i. Prior to August 1, 1978. A contingency plan, which shall include steps to be taken in order to curtail emissions when ambient concentrations may exceed the standard, shall be submitted by May 1, 1977, and implemented by July 1, 1977.				1.98 pounds, maximum two hour average
ii. By August 1, 1978				0.80 pounds, maximum two hour average
4. Each of the above sources shall submit to the Department a compliance shcedule, containing increments of progress, no later than three (3) months prior to the date by which a specified generating unit is required to meet the sulfur dioxide standard applicable to new sources. Each schedule shall specify steps that have been or will be taken, together with the dates of each increment, to ensure that the source will comply with the applicable new source standard in accordance with this subsection.				
5. Upon completion of current sulfur oxide studies directed or supervised by the Commission, the Commission shall review the emission standards applicable to the sources contained in 17-2.05(6) Table II E(1) (C).				

TABLE II

EMISSION LIMITING STANDARDS

Stationary Sources	Particulates	Visible emissions	Sulfur dioxide per million BTU heat input	Nitrogen oxides, per million BTU heat input, maximum two hour average expressed as NO_2
E. (2) New and existing plants with 250 million or less BTU per hour heat input	Apply latest technology per 17.2.03(1)	Density equal to or less than 20% opacity (a density of 40% opacity is permitted not more than two minutes in any one hour)	Apply latest technology per 17.2.03(1)	Apply latest technology per 17-2.03(1)
(3) Compliance schedules (a) SO_2 emissions for existing plants regulated by 17.2.05(6) Table II items E. (1)(b) 1 and 2, are repealed as of the effective date of this rule.				
(b) All fossil fuel steam generators, regardless of size, need not comply with any existing compliance schedule for SO_2 emissions required by the Department, but shall as expeditiously as possible comply with the specific emission standards set forth in 17-2.05(6) Table II items E. (1)(b) 1 and 2 or, if applicable item E. (2), at option of the owner.				
(c) If at any time the Commission determines, after notice and public hearing, that appropriate and substantially lower sulfur fuels are available on a long term basis at a reasonably comparable cost (including all costs such as contract revisions or termination costs) with fuels allowed under this rule, the Commission may establish revised emission limiting standards.				

TABLE II

EMISSION LIMITING STANDARDS

Stationary Sources	Particulates	Visible Emissions Shall Not Exceed	Sulfur oxide calculated as sulfur dioxide shall be no greater than	Nitrogen oxides per ton of acid produced (100 percent basis)
F. PORTLAND CEMENT PLANTS (1) Existing sources Kilns and Clinker Coolers	Not greater than allowed by the Process Weight Table, Table I set forth in 17 2.05(2)			
(2) New Sources (a) Kilns	0.3 pound per ton of feed to the kiln			
(b) Clinker Coolers	0.1 pound per ton of feed to the kiln			
G. NITRIC ACID PLANTS (producing weak nitric acid (50-70 percent) by pressure or atmospheric pressure process) (1) New and existing plants. Effective July 1, 1975		10 percent opacity		3 pounds
H. SULFUR RECOVERY PLANTS (For sulfur recovery plants recovering sulfur from crude oil gas) (1) New plants			0.004 pounds of SO_2 per pound of sulfur input to the recovery system or no greater than 0.004 pounds of SO_2 per pound of sulfur removed from an oil well	
(2) Existing plants for which a valid Department Construction permit was issued prior to July 1, 1973			0.08 pounds of SO_2 per pound of sulfur input to the recovery system or 0.08 pounds of SO_2 per pound of sulfur removed from crude oil or gas processed	

TABLE II

EMISSION LIMITING STANDARDS

Stationary Sources	Particulate Matter Shall Not Exceed	Visible Emissions Shall Not Exceed
I. CARBONACEOUS FUEL BURNING EQUIPMENT		
(1) Existing sources for which a valid Department operation or construction permit has been issued prior to July 1, 1974		
(a) Burners of capacity less than 30 million BTU per hour total heat input.		Ringelmann Number 1 or an opacity of 20 percent except that a density of Ringelmann Number 2 is permissible for not more than two minutes in any one hour.
(b) Burners of capacity equal to or greater than 30 million BTU per hour total heat input.	0.3 pounds per million BTU of heat input of carbonaceous fuel plus 0.1 pounds per million BTU heat input of fossil fuel	Ringelmann Number 1.5 or an opacity or 30 percent except that a density of Ringelmann Number 2 or opacity of 40 percent is permissible for not more than two minutes in any one hour.
(2) New sources for which a valid Department operation or construction permit is issued on or after July 1, 1974		
(a) Burners of capacity less than 30 million BTU per hour total heat input.		Ringelmann Number 1 or an opacity of 20 percent except that a density of Ringelmann Number 2 is permissible for not more than two minutes in any one hour.
(b) Burners of capacity equal to or greater than 30 million BTU per hour total heat input.	0.2 pounds per million BTU of heat input of carbonaceous fuel plus 0.1 pounds per million BTU heat input of fossil fuel.	Ringelmann Number 1.5 or an opacity of 30 percent except that a density of Ringelmann Number 2 or opacity of 40 percent is permissible for not more than two minutes in any one hour.
(c) The Department shall provide for an annual review and evaluation of the particulate and visible emission standards applicable to new sources.		
(3) The above standards shall not relieve any person from complying with more stringent Department permit conditions promulgated pursuant to Section 403.087, Florida Statutes and Department Rule 17-4.07(5), Florida Administrative Code.		

(7) Mobile Sources

(a) No person shall cause, let, permit, suffer or allow the emission of smoke from motor vehicles on public roadways that is visible within the proximity of the engine exhaust outlet for a period of more than five (5) seconds.

1. Definitions - Apply to this section 17-2.05(7)(a) only.

a. Smoke- small, gasborne and airborne particles, exclusive of water vapor, from a process of combustion, in sufficient number to be observable.

b. Motor vehicle - any device powered by an internal combustion engine and on or in which any person or property may be transported.

2. Exception - All 2-stroke gasoline engines manufactured prior to the year 1976.

General Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061 FS History - Revised 1-11-72.

17-2.05 (8) COMPLEX SOURCES

(a) For the purposes of this section the following definitions shall apply:

(1) Complex Source - Any facility, or group of facilities, which is a source of air pollution by reason that it causes, directly or indirectly, significant increases or emissions of pollutants into the atmosphere or which reasonably can be expected to cause an increase in the ambient air concentrations of pollutants, either by itself or in association with mobile sources.

(2) Commencement of Construction - The actual on site, continuous and systematic activity of land surface alteration, construction, and fabrication of the source.

(3) Modification - Any physical change in the source that will result in the source causing or contributing to an increase of emissions to the ambient air.

(b) No person shall construct or modify or operate or maintain any complex source of air pollution that results in or causes an increase in ambient pollutant concentrations in violation of the Ambient Air Quality Standards.

(c) After December 15, 1973, no person shall commence construction or modification of any of the following listed complex sources without a permit from the Department, or other governmental agency authorized by the Department to issue such permit:

(1) Any new complex source with which is associated a single level unenclosed parking facility with a design or use capacity of 1500 cars or more, or and modification which will increase such unenclosed parking facility to a design or use capacity of 1500 cars or more.

(2) Any multi-level unenclosed parking facility with a design or use capacity of 750 cars or more, or any modification which will increase a multi-level unenclosed facility to a design or use capacity of 750 cars or more.

(3) Any new road designed to accommodate 2000 vehicles per hour or more at peak traffic flow rates, or a modification of an existing road the result of which is designed to accommodate 2000 vehicels or more at peak traffic flow rates.

(4) Any new road or modification to accommodate 1000 vehicles per hour or more of peak traffic flow rates or a modification which results in a design capacity for accommodation of 1000 vehicles per hour or more of peak traffic flow rates in the following urban counties: Dade, Broward, Palm Beach, Brevard, Hillsborough, Pinellas, Orange, Duval, Escambia, Polk, Leon, Sarasota, Volusia, Alachua, Pasco and Lee.

(5) All major tollways or interstate highways or other major roads of more than two lanes of traffic outside of the urban areas named in paragraph 4 above.

(6) Any new airport which is designed or may be used to serve commercial airlines regularly scheduled or otherwise or any modification of such an airport which results in the 10% increase capacity, or any modification of a parking facility at such an airport which results in a ten percent increase in capacity.

(7) If the Department finds after notice, and hearing, if requested, that projected emissions associated with any proposed complex source not listed above may result in the failure of the Ambient Air Quality Standards being achieved and maintained, the Department may require an application to be submitted and a permit required prior to construction.

(d) Any person seeking a permit shall submit such information that is necessary for the Department to determine that the complex source will not cause a violation of ambient air quality standards and submit to the department such information that shall include, but not be limited to:

(1) The nature and amounts of pollutants to be emitted or caused to be emitted by the complex source, or by associated mobile sources, and an air quality impact statement.

(2) The location, design, construction and operation of such facility.

(e) No such permit shall be issued without an opportunity for public comment in accordance with Section 17-2.09, F.A.C.

(f) This subsection 17-2.05 (8), Florida Administrative Code shall not apply to air pollution sources for which a permit is required by Chapter 17-4, Florida Administrative Code, and shall not apply to sources for which the commencement of construction was started prior to December 15, 1973, unless construction is, or has been, discontinued for more than ninety days.

(g) Public Highways projects which would otherwise be covered by this section (17-2.05 (8)) and for which bid letting has been advertised prior to April 1, 1974 are exempted from the formal permitting requirements of this section provided, however, that the staffs of the State of Florida DOT and DER will re-exame the environmental assessments for each project to identify those projects which will violate State ambient air quality standards. Those projects so identified will not be exempted from the permitting requirements of this section.

17-2.06 AMBIENT AIR QUALITY STANDARDS

(1) The air quality of the State's atmosphere is determined by the presence of specific pollutants in certain concentrations. Human health and welfare is affected and known or anticipated adverse results are produced by the presence of pollutants in excess of the certain

concentrations. It is, therefore, established that maximum limiting levels, Ambient Air Quality Standards, of pollutants existing in the ambient air are encessary to protect human health and public welfare. The statewide Ambient Air Quality Standards are established for Florida in Table III.

TABLE III (Ambient Air Quality Standards)

POLLUTANTS	MAXIMUM LIMITING LEVELS					
	Maximum one hour concentration, not to be exceeded more than once per year.	Maximum three hour concentration, not to be exceeded more than once per year.	Maximum eight hour concentration, not to be exceeded more than once per year.	Maximum 24 hour concentration, not to be exceeded more than once per year.	Annual Arithmetic Mean Not To Be Exceeded	Annual Geometric Mean Not To Be Exceeded
A. Sulfur Dioxide		1300 micrograms per cubic meter (0.5 ppm)		260 micrograms per cubic meter (0.1 ppm)	60 micrograms per cubic meter (0.02 ppm)	
B. Particulate Matter				150 microgram per cubic meter		60 micrograms per cubic meter
C. Carbon Monoxide	40 milligrams per cubic meter (35 ppm)		10 milligrams per cubic meter (9 ppm)			
D. Photochemical oxidents measured and corrected for interference due to nitrogen oxides and sulfur dioxide.	160 micrograms per cubic meter (0.08 ppm)					
E. Hydrocarbons - For use as a guide in devising implementation plans to achieve oxidant standards. To be measured and corrected to methane.		160 micrograms per cubic meter (0.24 ppm) between 6 to 9 am				
F. Nitrogen Dioxide					100 micrograms per cubic meter (0.05 ppm)	

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(2) Sampling and analyses of contaminants in this section shall be performed by the methods approved by the Department.

(3) Abatement - A determination that any of the above standards in Section 17-2.06(1), Table III, above, has been exceeded, shall be adequate evidence for the Department to commence an investigation to determine the cause and to execute appropriate remedial measures.

(4) Air Quality Maintenance

(a) Air Quality Standards Violated - No person shall build, erect, construct, or implant any new source or operate, modify or rebuild an existing source or by any other means release or take action which would result in release of air pollutants into the atmosphere of any region, which will, as determined by the Department, result in, including concentrations of existing air pollutants, ambient air concentration greater than Ambient Air Quality Standards except as provided in Section 17-2.17 and Section 17-2.18.
Specific Authority 403.061(7), F.S.
Law Implemented 403.021, 403.031, 403.061(13), F.S.
History - Revised 1/18/72. Amended 7/20/76. Formerly 17-2.05

General Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061 FS. History - New 1-11-72

17-2.07 AIR POLLUTION EPISODE

An episode describes a condition which exists when meteorological conditions and rates of discharge of air pollutants combine to produce pollutant levels in the atmosphere which, if sustained, can lead to a substantial threat to the health of the people. In order to prevent episode conditions from continuing or from developing into more severe conditions, positive action and a rapid abatement response is necessary. The severity of an episode has been classified upon the basis of the criteria given in the following sections with the three levels, alert, warning and emergency described in Table IV.

(1) Due to the exigent nature of named episodes the Secretary, pursuant to Subsection 120.59(3) Florida statutes, shall determine and declare that an air pollution episode exists. His determination shall be in accordance with the following criteria:

(a) Air Pollution Forecast - The existence or forecast of a stagnant atmospheric condition as advised by a National Weather Service advisory or by an equivalent state or local determination.

TABLE IV

POLLUTANT CONCENTRATIONS

	Sulfur Dioxide (SO_2) 24 hour average	Particulates 24 hour average	Sulfur Dioxide (SO_2) and Particulates combined 24 hour average	Carbon Monoxide (CO) 8 hour average	Oxidant (O_3) 1 hour average	Nitrogen dioxide (NO_2)	
						1 hour average	24 hour average
A. ALERT - The alert level is that concentration of pollutants at which first stage control actions are to begin. An "ALERT" shall be declared when any one of the pollutant concentration levels is reached at any monitoring site and with meteorological conditions such that this condition can be expected to continue for twelve (12) or more hours.	800 Micrograms per cubic meter (0.3ppm)	3.0 COH_s or 375 micrograms per cubic meter	Product of SO_2 ppm, 24 hour average, and COH_s equal to 0.2 or product of SO_2 micrograms per cubic meter, 24 hour average and particulate micrograms per cubic meter, 24 hour average equal to $65X10^3$.	17 milligrams per cubic meter (15ppm)	200 micrograms per cubic meter (0.1ppm)	1130 micrograms per cubic meter (0.6ppm)	282 micrograms per cubic meter (0.15ppm)
B. WARNING - The warning level indicates that air quality is continuing to degrade and that additional control actions are necessary. A "WARNING" shall be declared when any one of the pollutant concentration levels is reached at any monitoring site and with meteorological conditions such that this condition can be expected to continue for twelve (12) or more hours.	1600 micrograms per cubic meter (0.6ppm)	5.0 COH_s or 625 micrograms per cubic meter	Product of SO_2 ppm, 24 hour average, and COH_s equal to 0.8 or product of SO_2 micrograms per cubic meter, 24 hour average and particulate micrograms per cubic meter, 24 hour average equal to $261X10^3$.	34 milligrams per cubic meter (30ppm)	800 micrograms per cubic meter (0.4ppm)	2260 micrograms per cubic meter (1.2ppm)	565 micrograms per cubic meter (0.3ppm)
C. EMERGENCY - The emergency level indicates that air quality is continuing to degrade to a level that should never be reached and that the most stringent control actions are necessary. An "EMERGENCY" shall be declared when any one of the pollutant concentration levels is reached at any monitoring site and with meteorological conditions such that this condition can be expected to continue for twelve (12) or more hours.	2100 micrograms per cubic meter (0.8ppm)	7.0 COH_s or 875 micrograms per cubic meter	Product of SO_2 ppm, 24 hour average, and COH_s equal to 1.2 or product of SO_2 micrograms per cubic meter, 24 hour average and particulate micrograms per cubic meter, 24 hour average equal to $393X10^3$.	46 milligrams per cubic meter (40ppm)	1200 micrograms per cubic meter (0.6ppm)	3000 micrograms per cubic meter (1.6ppm)	750 micrograms per cubic meter (0.4ppm)

(b) Area of Episode. The Secretary shall, when declaring any episode level, declare the counties in which the episode exists.

(c) Termination - Once declared, any episode level will remain in effect until the pollutant concentration increases to meet the next higher level criteria or decreases to a point below the declared criteria level.

(2) Emission Reduction Plans and Actions. Upon a declaration by the Secretary that any episode level exists--alert, warning, or emergency--any person responsible for the operation or conduct of activities which result in emission of air pollutants shall take actions as required for such source or activity for the declared episode level as set forth in Episode Tables V,VI, and VII of this section and shall put into effect the Preplanned Abatement Strategy set forth below.

(3) Preplanned Abatement Strategies - Any person responsible for one or more air pollutant sources shall prepare and submit, upon written request from the Department, a stand-by plan which describes the action which will be taken by that person to reduce emissions when an episode is declared. The plan shall be submitted within 30 days of the request and will be subject to approval, modification or rejection by the Department. The plan shall be in writing and shall include but not be limited to:

(a) Identity and location of pollutant sources and of contaminants discharged.

(b) Approximate amount of normal emission and of reduction of emission expected.

(c) A brief description of the manner in which reduction will be achieved, for each of the episode levels, alert, warning and emergency.

(4) During an episode (alert, warning or emergency), whenever any person responsible for the operation of a source or conduct of activities which result in emission of air pollutants does not take actions as required for the source or activity for the declared episode level or put into effect the Preplanned Abatement Strategy, the Secretary shall immediately institute proceedings in a court of competent jurisdiction for injunctive relief to enforce this chapter.

General Authority 403.061, 120.59(3), 120.60(6) FS. Law Implemented 403.021, 403.031, 403.061 FS. History - New 1-11-72.

TABLE V

Alert Level Emission Reduction Plans

Part A. General

During an "alert: level episode:

1. All forms of open burning are prohibited.

2. The use of incinerators for disposal of any form of solid waste or liquid waste is prohibited.

3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.

4. Persons operating motor vehicles should eliminate all unnecessary operations.

Part B. Source Curtailment

During an alert level episode any persons responsible for the operation of a source of air pollutants listed below shall take all required control actions for this alert level:

Source of Air Pollution	Required Control Action
1. Coal or oil-fired electric power generating facilities.	a. Substantial reduction by utilization of fuels having low ash or sulfur content. b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence of boiler lancing and soot blowing. c. Substantial reduction by diverting electric power generation to facilities outside of alert area.

TABLE V CONTINUED

2. Process steam generating facilities which fire coal or oil.	a. Substantial reduction by utilization of fuels having low ash and sulfur content.
	b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence of boiler lancing and soot blowing.
	c. Substantial reduction of steam demands consistent with continuing plant operations.
3. Process steam generating facilities which fire wood, bark, or bagassee; totally or in combination with other fuels.	a. Substantial reduction by switching to fossil fuels with low ash and sulfur content or by diverting steam demands to steam generators utilizing low ash and sulfur content fuels.
	b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	c. Substantial reduction of steam demands consistent with continuing plant operations.
4. Manufacturing industries of the following classifications: Pulp and paper industries Citrus industries Mineral processing industries Phosphate and allied chemical industries Secondary metal industry Petroleum operations	a. Substantial reduction of air pollutants from manufacturing operations by enacting preplanned abatement strategies including curtailing, postponing or deferring production and all operations.

TABLE V CONTINUED

	b. Curtail trade waste disposal operations which emit air pollutants.
5. Bulk handling operations which transfer or store material including but not limited to: Cement Fertilizer Phosphate Rock Grain or Feed ROP Triple Super Phosphate Lime Sand and Gravel Dolomite	a. Maximum reduction of fugitive dust by curtailing, postponing or deferring bulk handling operations.
6. Any other industrial or commercial establishments which emit air pollutants.	a. Substantial reduction of air pollutants by curtailing, postponing or deferring operations. b. Curtail trade waste disposal operations which emit air pollutants.

TABLE VI

Warning Level Emission Reduction Plans

Part A. General

During a "Warning" level episode:

1. All forms of open burning are prohibited.

2. The use of incinerators for disposal of any form of solid waste or liquid waste is prohibited.

3. Persons operating fuel burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.

4. Persons operating motor vehicles must reduce operations by the use of car pools and increased use of public transportation and elimination of unnecessary operation.

5. Unnecessary space heating or cooling is prohibited.

Part B. Source Curtailment

During a warning level episode any persons responsible for the operation of a source of air pollutants listed below shall take all required control actions for this warning level:

Source of Air Pollution	Required Control Action
1. Coal or oil-fired electric power generating facilities.	a. Maximum reduction by utilization of fuels having lowest ash and sulfur content. b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

TABLE VI CONTINUED

	c. Maximum reduction by diverting electric power generation to facilities outside of warning area or to generating stations emitting less pollutants per kilowatt generated.
2. Process steam generating facilities that fire oil or coal:	a. Maximum reduction by utilization of fuels having the lowest available ash and sulfur content.
	b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	c. Stand-by to enact preplanned emergency action plan.
3. Process steam generating facilities that fire wood, bark or bagassee.	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
	b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
4. Manufacturing industries of the following classifications: Pulp and paper industries Citrus industries Mineral processing industries Phosphate and allied chemical industries Secondary metal industry Petroleum operations	a. Commence preplanned abatement strategies for the elimination of all air pollutants. b. Elimination of air pollutants from trade waste disposal operations which emit air pollutants.

TABLE VI CONTINUED

5. Bulk handling operations which transfer or store material including but not limited to: Fertilizer Phosphate Rock Grain or Feed ROP Triple Super Phosphate Cement Lime Sand and Gravel Dolomite	a. Elimination of fugitive dust by ceasing, curtailing, postponing or deferring transfer or storage of material.
6. Any other industrial or commercial establishments that emit air pollutants.	a. Maximum reduction by curtailing, postponing or deferring operations. b. Eliminate trade waste disposal operations which emit air pollutants.

TABLE VII

Emergency Level Emission Reduction Plans

Part A. General

During an "emergency" level episode:

1. All forms of open burning are prohibited.

2. The use of incinerators for disposal of any form of solid or liquid waste is prohibited.

3. All places of employment described below shall immediately cease operations.

   a. Mining and quarrying of nonmetallic minerals.

   b. All construction work except that which must proceed to avoid emergent physical harm.

   c. All manufacturing establishments except those required to have in force an air pollution emergency plan.

   d. All wholesale trade establishments; i.e., places of business primarily engaged in selling merchandise to retailers, or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies, except those engaged in the distribution of drugs, surgical supplies and food.

   e. All offices of local, county and State government including authorities, joint meetings, and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county, or State government, authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order.

   f. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food.

TABLE VII CONTINUED

g. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices.

h. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops.

i. Advertising offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services, commercial testing laboratories.

j. Automobile repair, automobile services, garages.

k. Establishments rendering amusement and recreational services including motion picture theaters.

l. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

4. All commercial and manufacturing establishments not included in this section will institute such actions as will result in maximum reduction of air pollutants from their operation by ceasing, curtailing or postponing operations which emit air pollutiants to the extent possible without causing injury to person or damage to equipment.

5. The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.

6. Unnecessary lighting, heating or cooling in unoccupied structures is prohibited.

Source of Air Pollution	Required Control Action
1. Coal or oil-fired electric power generating facilities.	a. Maximum reduction by utilization of fuels having lowest ash and sulfur content.

TABLE VII CONTINUED

	b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.
	c. Maximum reduction by diverting electric power generation to facilities outside of emergency area or to generating stations emitting less pollutants per kilowatt generated.
2. Steam generating facilities that fire coal, oil, natural gas, wood, bark, or bagassee.	a. Maximum by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
	b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.
	c. Taking the action called for in preplanned emergency action plan.
3. Manufacturing industries of the following classifications: Pulp and paper industries Citrus industries Mineral processing industries Phosphate and allied chemical industires Secondary metal industries Petroleum operations	a. Continuation of preplanned abatement strategies for the elimination of air pollutants. b. Elimination of air pollutants from trade waste disposal operations which emit air pollutants.
4. Bulk handling operations that transfer or store material including but not limited to:	a. Elimination of fugitive dust by ceasing, curtailing, postponing or deferring transfer or storage of material.

TABLE VII CONTINUED

	Cement Fertilizer Phosphate Rock Grain ROP Triple Super Phosphate Lime Sand and Gravel Dolomite	
5.	Any other industrial or commercial establishments which emit air pollutants.	a. Elimination of air pollutants by ceasing, curtailing, postponing or deferring operations. b. Elimination of air pollutants from trade waste disposal operations which emit air pollutants.

17-2.08 SAMPLING AND TESTING

(1) All persons shall, upon request of the Department, provide continuous automatic monitoring testing and records of contaminants being emitted from a source.

(2) All persons shall provide facilities for continuously determining the input process weight or input heat when such factors are the basis for limiting standards.

(3) A person responsible for the emission of air pollutants from any source shall, upon request of the Department provide in connection with such sources and related source operations, such sampling and testing facilities exclusive of instruments and sensing devices as may be necessary for the proper determinations of the nature and quantity of air pollutants which are, or may be emitted as a result of such operation.

(4) Such facilities may be either permanent or temporary at the discretion of the person responsible for their provision and shall be suitable for the use of methods and equipment acceptable to the Deparment, who shall indicate in writing the required size, number and location of sampling holes; the size and location of the sampling platform; and the utilities for operating the sampling and testing equipment. The facilities shall comply with all applicable laws and regulations concerning safe construction and safe practice in connection with such facilities.

(5) When the Department upon investigation has good reason to believe that the provisions of this chapter concerning emission of pollutants are being violated, it may require the person responsible for the source of pollutants to conduct tests which will identify the nature and quantity of pollutant emissions from the source and to provide the results of said tests to the Department. These tests shall be carried out under the supervision of the Department, and at the expense of the person responsible for the source of the pollutants.

(6) All analyses and tests shall be conducted in a manner specified by the Department. Results of analyses and tests shall be calculated and reported in a manner specified by the Department.

(7) Analyses and tests for compliance may be performed by the Department at the cost of the person responsible for the emission of air pollutants.

General Authority 403.061,403.101 FS. Law Implemented 403.021, 403.031, 403.061, 403.101 FS. History - Revised 1-11-72.

(2.0) 17-2.09 LOCAL REGULATIONS

Regulations controlling air pollution may be adopted by local governmental authorities provided that such regulations shall not be in conflict herewith or that standards so adopted shall not be less stringent than those established herein.

General Authority 403.061, 403.182 FS. Law Implemented 403.021, 403.061, 403.182 FS. History - Formerly 17-2.09, FAC.

(14.0) 17-2.091 PUBLIC COMMENT

(1) Before any department permit is issued for any source of air pollution, the department shall provide an opportunity for public comment which shall include as a minimum the following:

(1) Availability for public inspection in at least one location in the district affected the information other then confidential records under Section 403.111, Florida Statutes, submitted by the owners or operator and the Department's analysis of the effect of such construction or modification on ambient air quality, including the Department's proposed approval or disapproval.

(2) A 30-day period for submittal of public comment; and

(3) A notice by prominent advertisement in the district affected, specifying the nature and location of the proposed source whether BACT will be determined and the location of the information specified in Subsection (1) above.

(4) A copy of the notice provided for in Subsection (3) above shall also be sent to the Regional Office of the U.S. Environmental Protection Agency and to all other state and local air pollution control agencies having jurisdiction in the district in which such new or modified installation shall be located.

(5) A copy of the notice shall be displayed in the appropriate District, Subdistrict, and Local Program offices.

(3) Approval: Fuels and Outdoor Heating Devices; Procedure; Requirements. Fuels and outdoor heating devices shall be approved in the following manner:

(a) Fuels for open burning:

1. Any person desiring to have a fuel approved may submit an application. The application shall contain the following information:

A. Name, address, and telephone number of applicant;

B. Trade name or other designation of fuel;

C. Chemical composition of fuel;

D. The composition and quality of air contaminants given off per unit of fuel; and,

E. The expected use of the fuel.

2. The Department may require that samples be made by the applicant and may require that samples of the fuel be submitted for testing to the Department of Agriculture and Consumer Services.

3. The Department shall not approve any fuel which emits excessive visible emissions when burned in the proper manner.

4. The Department may approve a fuel on condition that it be used for certain specified purposes and in a certain specified manner.

(b) Outdoor heating devices:

1. Any person desiring to have an outdoor heating device approved may submit an application. The application shall contain the following information:

A. Name, address, and telephone number of applicant;

B. Trade name or other designation of the device;

C. Brief description of the device;

D. Type of fuel that is used in the device; and,

E. The composition and quantity of air contaminants given off by the device when in operation.

2. The Department may require that a test of the performance of a representative device be conducted by the applicant.

3. The Department shall not approve any outdoor heating device which emits more than five-tenths gram per minute of unconsumed solid carbonaceous matter or particulate matter.

4. The Department may approve the device on specified conditions and may limit the approval to a specified period of time.

(c) Any applicant who has been denied approval for a fuel or an outdoor heating device shall, upon request, be granted a public hearing. After the hearing, the Department shall affirm or modify the denial or set it aside and approve the fuel or device.

General Authority 403.061(7) and (16) FS. Law Implemented 403.021, 403.031, 403.061 FS. History - New 7-1-71.

17-2.10 Local Government

No municipality or political subdivision of the state shall issue any building or other permit to construct or modify a source of air pollution for which a permit is required by department rule unless the source has received a valid department permit.

17-2.13 Nonattainment Areas for Particulate Matter

(1) The following areas are designated as nonattainment areas for the air pollutant, particulate matter:

(a) That portion of Hillsborough County which falls within the area of the circle having a centerpoint at the intersection of U.S. 41 South and State Road 60 and a radius of 12 kilometers.

(b) The downtown Jacksonville area in Duval County located just north and west of the St. Johns River and east of I-95 and south of Trout River.

(c) Reserved for areas designated as nonattainment areas in future.

(2) Reserved for Emission Limitations.

Specific Authority 403.061, F.S.
Law Implemented 403.021, 403.031, 403.061, 403.087, F.S., Clean Air Act
History - New 3-14-79, Amended ___/___/___.

17-2.14 Nonattainment Areas for Sulfur Dioxide

(1) The following areas are designated as nonattainment areas for air pollutant, sulfur dioxide:

(a) That portion of Pinellas County that is bounded on the South by UTH Coordinate 3112000N, on the east by UTH Coordinate 329000E, on the north by the Pasco County Line, and on the west by the Gulf of Mexico.

(b) Reserved for areas designated as nonattainment areas in future.

(2) Effective Date

The provisions of this section shall become effective July 1, 1979, or upon approval by the U.S. Environmental Protection Agency, whichever first occurs.

(3) Reserved for Emission Limitations.

17-2.16 Nonattainment Areas and Emission Limits for Ozone

(1) General Applicability

The following areas are designated as nonattainment areas for the air pollutants, ozone:

(a) Broward County

(b) Dade County

(c) Duval County

(d) Hillsborough County

(e) Palm Beach County

(f) Pinellas County

(g) Orange County

(h) Reserved for areas designated as nonattainment areas in future.

(2) Compliance, Reporting, Permits

(a) Existing sources in the counties designated in 17-2.16(1), subject to emission limiting standards set forth in Section 17-2.16(6) shall comply with applicable emission limiting standards as expeditiously as possible but no later than the compliance dates in this subsection.

1. Service Stations or Gasoline Dispensing Facilities with a monthly gasoline throughput of 20,000 gallons (75,700 liters) or more shall comply with the following schedule which phases in compliance dates according to the size of the station based on gallons of gasoline received during the third quarter of 1979 as reported to the Department of Revenue. Any other quarterly equivalent rate may be used to determine which phase the station is assigned to if the owner did not operate the station during the third quarter of 1979 or did not report volume received to the Department of Revenue.

Gallons Received	Final Compliance Date
Phase I above 100,000 gal./ quarter	July 1, 1981
Phase II 60,000 to and including 100,000 gal./ quarter	February 1, 1982

2. Bulk Gasoline Plants shall comply with requirements of 17-2.16(6) (i) and Bulk Gasoline Terminals shall comply with requirement of 17-2.16(6) (j) by July 1, 1981 and shall submit an application for a permit to operate or construct, which ever is applicable, by July 1, 1980.

3. Persons subject to the provisions of 17-2.16(6) (n), Cutback Asphalt, shall comply with such provisions by July 1, 1980, and thereafter.

4. All sources except Gasoline Service Stations, Bulk Gasoline Terminals, Bulk Gasoline Plants or Cutback Asphalt which are not in compliance with the applicable RACT requirements in this section or which are in compliance but do not have a valid operating permit by April 1, 1980 shall comply with the following applicable schedule:

   a. Sources which are in compliance but do not have an operating permit shall submit by July 1, 1980, an application for a permit to operate.

   b. Sources which are not in compliance and do not have a valid permit to construct and which plan to comply by installing add-on or replacement, equipment or by making operational changes, other than low solvent techniques, shall submit an application for a permit to construct by October 1, 1980 which includes the following Increments of Progress:

      (i) Contract award and/or equipment purchase by April 1, 1981;

      (ii) Start of construction or installation by August 1, 1981;

      (iii) Completion of construction or installation by March 1, 1982;

      (iv) Final testing and compliance by July 1, 1982.

c. Sources which are not in compliance and do not have a valid permit to construct and which plan to comply by employing low solvent techniques (LST) shall submit an application for a permit to construct by August 1, 1980, which includes the following Increments of Progress:

(i) Contract award or other proof of start of LST development - December 1, 1980;

(ii) Initiation of construction and/of process change - April 1, 1982;

(iii) Completion of construction and/or process change - July 1, 1982; and

(iv) Final Compliance date - October 1, 1982.

(b) Permits - Special Considerations

1. Permits to construct or operate are required for all sources under this section 17-2.16 except the following:

17-2.16(6) (k) Gasolines Service Stations - Stage I

17-2.16(6) (n) Cutback Asphalt

2. Permits to operate shall contain conditions relating to operation, emission levels, control equipment, use of low solvent technology or other source characteristics necessary to insure compliance with the applicable rules.

3. An applicant for a permit to construct may apply for a schedule containing alternate Increments of Progress except that the application date and the final date of compliance may not be later than those specified in this section. Any altered compliance schedule approved by the Department will be submitted to EPA as a SIP revision.

(c) Reporting

1. The owner or operator of a dispensing facility or gasoline service stations storage tank who must comply with the compliance dates shown in 17-2.16(2) (a) above shall notify the Department of the name and address of the owner, the type, size and location of the facility; information related to the emission that may result from operation of the facility; and whether the station is expected to be operated past the compliance date.

Such notification will comply with the following schedules:

Phase I Gasoline Service Stations	January 1, 1981
Phase II Gasoline Service Stations	August 1, 1981

(3) Exceptions

(a) Sources whose emissions of volatile organic compounds are not more than 15 pounds (6.8 kilograms) in any one day nor more than 3 pounds (1.4 kilograms) in any one hour.

(b) Sources used exclusively for chemical or physical analysis, or for the determination of product quality and commercial acceptance, provided:

1. The operation of the source is not an integral part of any production process; and

2. The emissions from the source do not exceed 800 pounds (363 kilograms) in any one calendar month.

(4) For purposes of emission limiting standards in Subsection 17-2.16(6), the following compounds are exempt:

(a) Methane

(b) Ethane

(c) Trichlorotrifluoroethane (Fluorocarbon 113)

(d) Methylene chloride

(e) 1,1,1-Trichloroethane

(5) Nothing in this Section 17-2.16 shall be construed to preclude the use of alternate means to abate volatile organic compound emissions, if such alternative will result in emissions equal to or lower than would result from the application of emission limiting standards specified herein.

(6) Specific Emission Limitations

(a) Can Coating

1. Applicability

The emission limiting standards set forth in 17-2.16(6) (a) will apply to:

a. Coating applicators and ovens of sheet, can or end coating lines involved in sheet

basecoat (exterior and interior) and overvarnish:

b. Two-piece can exterior (basecoat and overvarnish);

c. Two- and three-piece can interior body spray;

d. Two-piece can exterior and (spray or roll coat);

e. Three-piece can side-seam and end sealing compound operations.

2. Emission Limiting Standards

No owner or operator of a can coating line subject to 17-2.16(6) (a) can cause, allow, or permit the discharge into the atmosphere of any volatile organic compounds in excess of:

a. 2.8 pounds per gallon of coating (0.34 kilograms per liter), excluding water, delivered to the coating applicator of;

(i) Sheet basecoat (exterior and interior) and overvarnish, or

(ii) Two-piece can exterior (basecoat and overvarnish) operations.

b. 4.2 pounds per gallon of coating (0.50 kilograms per liter), excluding water delivered to the coating applicator from two- and three-piece can interior body spray and two-piece can exterior and (spray or roll coat) operations.

c. 5.5 pounds per gallon of coating (0.66 kilograms per liter), excluding water, delivered to the coating applicator from three-piece can side-seam spray operations.

d. 3.7 pounds per gallon of coating (0.44 kilograms per liter) excluding water delivered to the coating applicator from can side seam and end sealing compound operations.

3. Control Technology

The emission limits in 17-2.16(6) (a) 2. shall be achieved by:

a. The application of low solvent content coating technology: or

b. Incineration, provided that 90 percent of the nonmethane volatile organic compounds (VOC measured as total combustile carbon) which enter the incinerator are oxidized to carbon dioxide and water.

(b) Coil Coating

1. Applicability

The emission limiting standards set forth in 17-2.16(6) (b) will apply to coating applicators, ovens, and quench areas of coil coating lines involved in prime and topcoat or single-coat operations.

2. Emission Limiting Standard

No owner or operator of a coil coating line subject to 17-2.16(6) (b) may cause, allow, or permit the discharge into the atmosphere of any volatile organic compounds in excess of 2.6 pounds per gallon of coating (0.31 kilograms per liter), excluding water delivered to a coating applicator from prime and topcoat or single-coat operations.

3. Control Technology

The emission limit under paragraph 17-2. 16(6) (b) shall be achieved by:

a. The application of low solvent content coating technology; or

b. Incineration, provided that 90 percent of the nonmethane volatile organic compounds (VOC measured as a total combustibile carbon) which enter the incinerator are oxidized to carbon dioxide and water.

(c) Paper Coating

1. Applicability

The emission limiting standards set forth in 17-2.16(6) (c) will apply to roll, knife, or rotogravure coaters and drying ovens of paper coating lines.

2. Emission Limiting Standards

No owner or operator of a paper coating line subject to 17-2.16(6) (c) may cause, allow, or

permit the discharge into the atmosphere of any volatile organic compounds in excess of 2.9 pounds per gallon of coating (0.35 kilograms per liter), excluding water, delivered to the coating applicator from a paper coating line.

3. Control Technology

The emission limit under 17-2.16(6) (c) 2. shall be achieved by:

a. The application of low solvent content coating technology; or,

b. Incineration, provided that 90 percent of the nonmethane volatile organic compounds (VOC measured as total combustible carbon) which enter the incinerator are oxidized to carbon dioxide and water.

(d) Fabric and Vinyl Coating

1. Applicability

The emission limiting standards set forth in 17-2.1(6) (d) will apply to roll, knife, or rotogravure coaters and drying ovens of fabric and vinyl coating lines.

2. Emission Limiting Standards

a. No owner or operator of a fabric coating line or a vinyl coating line subject to 17-2.16(6) (d) may cause, allow, or permit the discharge into the atmosphere of any volatile organic compounds in excess of:

(i) 2.9 pounds per gallon of coating (0.35 kilograms per liter), excluding water, delivered to a coating applicator from a fabric coating line.

(ii) 3.8 pounds per gallon of coating (0.46 kilograms per liter), excluding water, delivered to a coating applicator from a vinyl coating line.

3. Control Technology

The emission limits under 17-2.16(6) (d)2. shall be achieved by:

a. The application of low solvent content coating technology: or,

b. Incineration, provided that 90 percent of the nonmethane volatile organic compounds (VOC measured as total combustible carbon) which enter the incinerator are oxidized to carbon dioxide and water.

(e) Metal Furniture Coating

1. Applicability

The emission limiting standards set forth in 17-2.16(6) (e) will apply to the application areas, flash-off areas and ovens of metal furniture coating lines involved in prime and topcoat or single-coating operations.

2. Emission Limiting Standards

No owner or operator of a metal furniture coating line subject to 17-2.16(6) (e) may cause, allow, or permit the discharge into the atmosphere of any volatile organic compounds in excess of 3.0 pounds per gallon of coating (0.36 kilograms per liter), excluding water, delivered to the coating applicator from prime and topcoat or single-coat operations.

3. Control Technology

The emission limit under 17-2.16(6) (e) 2. shall be achieved by:

a. The application of low solvent content coating technology: or,

b. Incineration, provided that 90 percent of the nonmethane volatile organic compounds (VOC measured as total combustible carbon) which enter the incinerator are oxidized to carbon dioxide and water.

(f) Surface Coating of Large Appliances -

1. Applicability

a. The emission limiting standards set forth in 17-2.16(6) (f) shall apply to application areas, flash-off areas, and ovens of large appliance coating lines involved in prime, single, or topcoat coating operations.

b. 17-2.16(6) (f) does not apply to the to the use of quick-drying lacquers for repair of scratches and nicks that occur during assembly, provided that the volume of coating does not exceed one quart (0.95 liters) in any one 8- hour period.

2. Emission Limiting Standard

No owner or operator of a large appliance coating line subject to 17-2.16(6) (f) may cause, allow, or permit the discharge into the atmosphere of any volatile organic compounds in excess of 0.34 kilograms per liter of coating (2.8 pounds per gallon), excluding water, delivered to the coating applicator from prime, single, or topcoat coating operations.

3. Control Technology

The emission limit under 17-2.16(6) (f)2. shall be achieved by:

a. The application of low solvent content coating technology; or,

b. Incineration, provided that 90 percent of the nonmethane volatile organic compounds (VOC measured as total combustible carbon) which enter the incinerator are oxidized to carbon dioxide and water.

(g) Magnet Wire Coating -

1. Applicability

The emission limiting standard set forth in 17-2.16(6) (g) shall apply to the ovens of magnet wire coating operations.

2. Emission Limiting Standards

No owner or operator or a magnet wire coating oven subject to 17-2.16(6) (g) may cause, allow or permit the discharge into the atmosphere of any volatile organic compounds in excess of 1.7 pounds per gallon of coating (0.20 kilograms per liter), excludng water, uelivered to the coating applicator from magnet wire coating operations.

3. Control Technology

The emission limit under 17-2.16(6) (g)2. shall be achieved by:

a. The application of low solvent content coating technology; or,

b. Incineration, provided that 90 percent of the nonmethane volatile organic compound (VOC measured as total combustible carbon) which enter the incinerator are oxidized to carbon dioxide and water.

(h) Petroleum Liquid Storage

1. Applicability

a. The control technology set forth in 17-2.16(6) (h) shall apply to all fixed roof storage vessels with capacities equal to or greater than 42,000 gallons (159,000 liters) (nominal design 1,000 bbls) containing petroleum liquids whose true vapor pressure is greater than 1.50 psia (10.3 kilopascals) but shall not be used if the petroleum liquid has a true vapor pressure of 11.0 psia (76 kilopascals) or greater under actual storage conditions.

b. 17-2.16(6) (h) shall not apply to volatile petroleum liquid storage vessels:

(i) Equipped with external floating roofs before the effective date of this rule; or,

(ii) Having capacities equal to or less than 420,000 gallons (1,590,000 liters) (nominal design 10,000 bbls) located at oil field production sites and used to store produced oil and condensate prior to lease custody transfer.

2. Control Technology

Except as provided under 17-2.16(6) (h) 1.b. no owner or operator of an affected source under 17-2.16(6) (h) 1a, shall permit the use of such source unless:

a. The source has been retrofitted with an internal floating roof equipped with a closure seal, or seals, to close the space between the roof edge and tank wall, or the source has been retrofitted with an equally effective alternative control: and,

b. The source is maintained such that there are no visible holes, tears, or other openings in the seal or any seal fabric or materials; and,

c. All openings, except stub drains are equipped with covers, lids, or seals such that:

(i) The cover, lid, or seal is in the closed position at all times except on demand for sampling, maintenance, repair, or necessary operational practices and

(ii) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports; and,

(iii) Rim vents, if provided, are set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting.

(i) Bulk Gasoline Plants -

1. Applicability

The emission limiting standards set forth in 17-2.16(6) (i) shall apply to the unloading, loading, and storage facilities of all bulk gasoline plants and all tank trucks or trailers delivering or receiving gasoline at bulk gasoline plants.

2. Control Technology

a. No owner or operator of a bulk gasoline plant may permit stationary storage tanks to load or unload gasoline unless each tank is equipped with a vapor balance system as described under 17- 2.16(6) (i) 2.d. of this section.

b. No owner or operator of a bulk gasoline plant, tank truck, or trailer shall permit the loading or unloading of tank trucks or trailers at a bulk gasoline plant unless each tank truck or trailer is equipped with a vapor balance system as described under 17- 2.16(6) (i) 2.d.

c. No owner or operator of a bulk gasoline plant, tank truck, or trailer shall permit

the transfer of gasoline between tank trucks or trailers and stationary tanks unless:

(i) The transfer is conducted in accordance with 17-2.16(6) (i) 2.a. and 2.b.: and,

(ii) The vapor balance system is in good working order and is connected and operating: and,

(iii) Tank truck or trailer hatches are closed at all times during bottom loading operations; and,

(iv) The tank trucks' or trailers' pressure/vacuum relief valves and hatch covers for the truck tanks or storage tanks are in good working order during loading or unloading.

(v) Submerged filling is employed for the truck tanks and stationary storage tanks.

d. The vapor balance systems required under 17-2.16(6) (i) 2, shall consist of the following major components:

(i) A vapor space connection on the stationary storage tank equipped with fittings which are vapor tight and will eliminate back flow so as to prevent release of organic material.

(ii) A connecting pipe or hose equipped with fittings which are vapor tight.

(iii) A vapor space connection on the tank truck or trailer equipped with fittings which are vapor tight and must be closed immediately after disconnection so as to prevent release of organic material.

(j) Bulk Gasoline Terminals -

1. Applicability

The emission limiting standards or control technology set forth in 17-2.16(6) (j) applies to bulk gasoline terminals and the appurtentant equipment necessary to load the tank truck or trailer compartments.

2. Emission Limiting Standards

Sources affected under 17-2.16(6) (j)1 shall not allow mass emissions of volatile organic compounds from control equipment to exceed 4.7 grains per gallon (80 milligrams per liter) of gasoline loaded.

3. Control Technology

No person shall load gasoline into any tank trucks or trailers, from any bulk gasoline terminal unless:

a. Displaced vapors and gases are vented only to the vapor control system; and,

b. A means is provided to prevent liquid waste from the loading device to exceed the quantity specified for the self sealing coupler or adapter according to API regulation RP 1004 (or equivalent) upon the loading device being disconnected or when it is not in use; and, (The above references are available from the American Petroleum Institute, 2101 "L" Street N.W., Washington, D.C. 20037)

c. All loading and vapor lines equipped with fittings are vapor tight; and,

d. The bulk gasoline terminal is equipped with a vapor control system, capable of complying with 17-2.16(6) (j) 2., properly installed, in good working order, in operation, and consisting of one of the following:

(i) A vapor recovery system which processes and recovers vapors and gases from the equipment being controlled; or,

(ii) A vapor collection system which directs all vapors to a fuel system.

(k) Gasoline Service Station Stage I

1. Applicability

Emission limiting standards and control technology set forth in 17-2.16(6) (k) shall apply to all gasoline dispensing facilities with a monthly gasoline throughput of 20,000 gallons (75,700 liters) or more.

2. Control Technology

a. Except as provided under 17-2.16(6) (k)1. no owner or operator shall transfer or cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank located at a gasoline dispensing facility that has a monthly gasoline throughput of 20,000 gallons (75,700 liters) or more unless the tank is equipped for submerged filling and the vapors displaced from the storage tank during filling are processed by a vapor control system in accordance with 17-2.16(6) (k)2.b.

b. The vapor control system required by 17-2.16(6) (k)2.c. shall include one or more of the following control methods:

(i) A vapor-tight line from the storage tank to the delivery vessel and a system that will ensure the vapor line is connected before gasoline can be transferred into the tank; or,

(ii) A system which will not allow emissions of volatile organic compounds in the displaced vapor at a rate greater than 80 mg/liter of gasoline (4.7 grains/gallon) transferred.

c. The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel shall be designed are maintained to be vapor tight at all times except for normal pressure vacuum venting as required by the Federal Department of Transportation or for maintenance inspection, or gauging.

(ii) The vapor-laden delivery vessel shall be refilled only at bulk gasoline plants complying with 17-2.16(6) (i) or 17-2.16(6) (j) or at bulk gasoline plants or terminals using Reasonable Available Control Technology (RACT), (if such plants or terminals are located in a nonattainment area), but in no case shall RACT be less stringent than the regulations contained in 17-2.16(6) (k) and 17-2.16(6) (j).

(l) Solvent Metal Cleaning -

1. Applicability

a. The emission limiting standards and control technology set forth in 17-2. 16(6) (m) shall apply to cold cleaning, open top vapor degreasing, and conveyorized degreasing operations.

b. The provisions of 17-2.16(6) (m) shall apply with the following exceptions:

(i) Open top vapor degreasers with an open area smaller than 10.0 square feet (one square meter) shall be exempt from 17-2.16(6)m 3.c.,

(ii) Conveyorized degreasers with an air/vapor interface smaller than 21.5 square feet (2.0 square meters) shall be exempt from 17-2.16(6) (m) 1.b.

2. Cold Cleaning Control Technology

Except as provided under 17-2.16(6) (m)1, the owner or operator of a cold cleaning facility shall comply with each of the following requirements:

a. Equip the cleaner with a cover. The cover shall be so designed that it can be easily operated with one hand if:

(i) The solvent volatility is greater than 0.3 pounds per square inch (15 millimeters of mercury or 2 kilopascals) measured at 100 deg F (38 deg C):

(ii) The solvent agitated:

(iii) The solvent is heated.

b. Equip the cleaner with a facility for draining cleaned parts. The drainage facility shall be constructed internally so that parts are enclosed under the cover while draining if the solvent volatility is greater than 0.6 pounds per square inch (31 millimeters of mercury or 4.1 kilopascals) measured at 100 deg F (38 deg C), except that the drainage facility may be external for applications where an internal type cannot fit into the cleaning system.

c. Install one of the following control devices if the solvent volatility is greater than 0.6 pounds per square inch (31 millimeters of mercury or 4.1 kilopascals) measured at 100 deg F (38 deg C), or if the solvent is heated above 120 deg F (50 deg C):

(i) Freeboard that gives a freeboard ratio greater than or equal to 0.7; or,

(ii) Water cover (solvent must be insoluble in and heavier than water); or,

(iii) Other systems of equivalent control, such as refrigerated chiller or carbon absorption.

d. Provide a permanent, conspicuous label summarizing the operating requirements.

e. Store waste solvent only in covered containers and not dispose of waste solvent or transfer it to another party, such that greater than 20 percent of the waste solvent (by weight) can evaporate into the atmosphere.

f. Close the cover whenever parts are not being handled in the cleaner.

g. Drain the cleaned parts for at least 15 seconds or until dripping ceases.

h. If used, supply a solvent spray that is a solid fluid stream (not a fine, atomized, or shower type spray) at a pressure which does not cause excessive splashing.

3. Open Top Vapor Degreaser Control Technology

Except as provided under 17-2.16(6) (m), the owner or operator of an open top vapor degreaser shall comply with each of the following requirements:

a. Equip the vapor degreaser with a cover that can be opened and closed easily without disturbing the vapor zone.

b. Provide the following safety switches:

(i) A condenser flow switch and thermostat which shut off the heat if the condenser coolant is either not circulating or too warm; and,

(ii) A spray safety switch which shuts off the spray pump if the vapor level drops more than 4 inches (10 centimeters) below the bottom condenser coil; and,

(iii) A vapor level control thermostat which shuts off the heat when the vapor level rises too high.

c. Install one of the following control devices:

(i) A freeboard ratio greater than or equal to 0.75. and a powered or mechanically assisted cover if the degreaser opening is greater than 10.0 square feet (1.0 square meter); or,

(ii) Refrigerated chiller; or,

(iii) An enclosed design (cover or door opens only when the dry part is actually entering or exiting the degreaser); or,

(iv) A carbon adsorption system, with ventilation greater than or equal to 50 cubic feet per minute per square foot (15 cubic meters per minute per square meter) of air/vapor area (when cover is open), and exhausting less than 25 parts per million of solvent averaged over one complete adsorption cycle.

d. Keep the cover closed at all times except when processing work loads through the degreaser.

e. Minimize solvent carryout by:

(i) Racking parts to allow complete drainage; and,

(ii) Moving parts in and out of the degreaser at less than 11 feet per minute (3.3 meters per minute); and,

(iii) Holding the parts in the vapor zone at least 10 seconds or until condensation ceases; and,

(iv) Decanting any pools of solvent on the cleaned parts before removal from the vapor zone; and,

(v) Allowing parts to dry within the degreaser for at least 15 seconds or until visually dry.

f. Not degrease porous or absorbent materials, such as cloth, leather, wood, or rope.

g. Not occupy more than half of the degreaser's open top area with a workload.

h. Not load the degreaser to the point where the vapor level would drop more than 4 inches (10 centimeters) below the bottom condenser coil when the workload is removed from the vapor zone.

i. Always spray below the vapor level.

j. Repair solvent leaks immediately, or shut down the degreaser.

k. Store waste solvent only in covered containers and not dispose of waste solvent or transfer it to another party, such that greater than 20 percent of the waste solvent (by weight) can evaporate into the atmosphere.

l. Not operate the cleaner so as to allow water to be visually detectable in solvent exiting the water separator.

m. Not use ventilation fans near the degreaser opening, nor provide exhaust ventilation exceeding 66 cubic feet per minute per square foot (20 cubic meters per minute per square meter) of degreaser open area, unless necessary to meet OSHA requirements.

n. Provide a permanent, conspicuous label, summarizing the operating procedure of 17-2.16(6) (m)3.d. through 3.l.

4. Conveyorized Degreaser Control Technology

Except as provided under 17-2.16(6) (m)1, the owner or operator of a conveyorized degreaser shall comply with the following requirements:

a. Not use work-place fans near the degreaser opening, nor provide exhaust ventilation exceeding 66 cubic feet per minute per

square foot (20 cubic meters per minute per square meter) of degreaser opening, unless necessary to meet Occupational Safety and Health Adminstration (OSHA) requirements. OSHA regulations are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., and may be inspected at the Department's Tallahassee office.

b. Install one of the following control devices:

(i) Refrigerated chiller; or,

(ii) Carbon absorption system, with ventilation greater than or equal to 49 cubic feet per minute per square foot (15 cubic meters per minute per square meter) of air/vapor area (when downtime covers are open), and exhausting less than 25 parts per million of solvent by volume averaged over a complete absorption cycle,

c. Equip the cleaner with equipment, such as a drying tunnel or rotating (tumbling) basket, sufficient to prevent cleaned parts from carrying out solvent or liquid vapor.

d. Provide the following safety switches:

(i) A condenser flow switch and thermostat which shut off the sump heat if the condenser coolant is either not circulating or too warm; and,

(ii) A spray safety switch which shuts off the spray pump or the conveyor if the vapor level drops more than 4 inches (10 centimeters) below the bottom condenser coil; and,

(iii) A vapor level control thermostat which shuts off the heat when the vapor level rises too high.

e. Minimize openings during operation so that the entrances and exits will silhouette workloads with an average clearance between the parts and the edge of the degreaser opening of less than 4 inches (10 centimeters) or less than 10 percent of the width of the opening.

f. Provide downtime covers for closing off the entrance and exit during shut down hours.

g. Minimized carryout emissions by:

(i) Racking parts for best drainage; and,

(ii) Maintaining the vertical conveyor speed at less than 11 feet per minute (3.3 meters per minute).

h. Store waste solvent only in covered containers and not dispose of waste solvent or transfer it to another party, such that greater than 20 percent of the waste solvent (by weight) can evaporate into the atmosphere.

i. Repair solvent leaks immediately, or shut down the degreaser.

j. Not operate the cleaner so as to allow water to be visually detectable in solvent exiting the water separator.

k. Place downtime covers over entrances and exits of conveyorized degreasers immediately after the conveyors and exhausts are shut down and do not remove them until just before startup.

(m) Cutback Asphalt -

1. Applicability

The emission limiting standard of control technology set forth in 17-2.16(6) (n) 2 shall apply to the manufacture and use of cutback asphalts for paving or maintaining roads, streets, highways, and parking lots.

2. Control Standards

No person shall cause, allow, or permit the manufacture, mixing, storage, use, or application of cutback asphalts except where:

a. Long-life storage of liquid asphalt is necessary; or,

b. Stockpile storage of cold mixed asphaltic concrete patching material is necessary; or,

c. The use or application at ambient temperature less than 50 deg F (10 deg C) as determined

by the nearest National Weather Bureau Station is necessary; or,

d. The cutback asphalt is to be used solely as a penetrating prime coat; or,

e. The cutback asphalt is to be used in a sand seal coat; or

f. The cutback asphalt is to be used as a tack coat in the routine maintenance of public roads, or the minor betterment of public roads.

(7) Standards and Tests for Emission Limits

(a) Delivery Vessels - Gasoline Truck Tanks

Gasoline truck tanks and their vapor collection systems shall not sustain a pressure change of more than 3 inches of water (750 pascals) in 5 minutes when pressurized to 13 inches of water (3250 pascals), or evacuated to 6 inches of water (1500 pascals) using the test procedure described in Appendix A of EPA 450/2-78-051, "Control of Volatile Organic Compounds from Gasoline Tank Trucks and Vapor Collection Systems". The above reference is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., and may be inspected at the Department's Tallahassee office.

Truck Tanks which must comply with 17-2.16(6) (k), (l), (j) shall be tested prior to the compliance date and annually thereafter, except tests shall be made prior to use of the truck tank when an accident damages the tank, metal work (welding and cutting) is done on the tank, or the tank is out of service for more than 1 year. Test result records shall be maintained by the owner until completion of the subsequent test, and shall be made available to the Department upon request.

(b) Vapor Collection System or Vapor Balance System.

During loading or unloading operations at service stations, bulk plants and bulk terminals, there shall be no reading greater than or equal to 100 percent of the lower explosive level (LEL, measured as propane) at 1 in. (2.5 centimeters) around the perimeter of a potential leak source as detected by a combustible gas detector using the procedure described in Appendix B of EPA 450/2-78-051, "Control of Volatile Organic Compounds from Gasoline Tank Trucks and Vapor Collection Systems". The above reference is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., and may be inspected at the Department's Tallahassee office.

This test shall be performed prior to the date of compliance and annually thereafter for each Gasoline Bulk Plant. Test result records shall be maintained at the Service Station or Bulk Plant which was tested until the completion of the subsequent test and shall be made available to the Department upon request.

(c) VOC Content of Coating Materials

The VOC content of coating materials shall be determined in triplicate for each sample by the mehtods given in Appendix A of "Control of Volatile Organic Emissions from Existing Stationary Sources" - Vol. II, EPA 450/2-77-008. The above reference is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., and may be inspected at the Department's Tallahassee office.

This test shall be performed prior to the compliance date and annually thereafter on any applicable source as listed in 17-2.16(6). A test is also required upon beginning the use of a different coating formula and annually thereafter. Test result records shall be maintained by the owner and made available to the Department upon request.

(d) Gasoline Bulk Terminals

VOC emissions from the Vapor Control System shall be determined by the method given in Appendix A of "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals", EPA 450/2-77-026, except an adequate sampling time is six (6) hours of operation with a loading rate of at least 75% of the capacity of the loading equipment or the maximum loading rate available as limited by the number of trucks which the terminal services on a high rate day, whichever rate is greater. This test shall be performed prior to the date of compliance and annually thereafter. Test result records shall be maintained at the terminal until the subsequent annual test and shall be made available to the Department upon request. The above reference is available from the Superintendent of Documents, U.S. Government Printing Office, Washington D.C., and may be inspected at the Department Tallahassee office.

Specific Authority 403.061 F.S. Law Implemented 403.021, 403.031, 403.061, 403.087 F.S. Clean Air Act History - New 3-14-79, Amended 7-19-79, 12-27-79, ---/---/---.

17-2.17 New Source Review for Nonattainment Areas

(1) Applicability

(a) General. Except for the statewide compliance provisions, 17-2.17(5) (a) 3., the provisions of sections 17-2.17, 17-2.18, and 17-2.19 apply only to the emission of the air pollutant for which the nonattainment area is designated. For ozone nonattainment areas the provisions of Sections 17-2.17, 17-2.18, and 17-2.19 apply to the emission of volatile organic compounds (VOC).

(b) Nonattainment Areas

The Provisions of Sections 17-2.17, 17-2.18, 17-2.19, and 17-2.20 apply to all sources or modifications which are located in or are proposed to be located in any nonattainment area, and which emit or may emit the affected air pollutant, unless specifically exempted by a provision of Section 17-2.17,17-2.18, or 17-2.19.

(c) Areas Adjacent to Nonattainment Areas

1. All sources located at a distance greater than 50 kilometers from the boundary of a nonattainment area are exempt from the provisions of Sections 17-2.17, 17-2.18, and 17-2.19.

2. The following sources which are located within the area of influence are exempt from the provisions of Sections 17-2.17, 17-2.18, and 17-2.19:

a. All VOC sources.

b. All minor sources or minor modifications except for a series of modifications as set forth in Subsection 17-2.17(7) (b).

c. A major source or major modification which has a maximum predicted impact within the nonattainment area that is equal to or less than the significance levels set forth in Table I, Subsection 17-2.17(2) (c).

The impact prediction shall be made as specified in 17-2.18(5) and shall not take into account the impact of any emission offsets. For a major modification, the predicted impact shall be only for the increase in emissions that would result from the proposed modification or series of modifications.

d. New sources of fugitive particulate matter that are to be located more than five kilometers outside of the boundary of a particulate nonattainment area.

e. The following exemptions and special provisions are also applicable to the area of influence:

Permit Exemptions (17-2.17(3) (a)1.a.(i))
Limited NSR Exemption (17-2.17(3) (a)1.a.(ii))
Mandatory Fuel Conversion Exemption (17-2.17(3) (a)1.b.)
Resource Recovery Projects Exemption (17-2.17(3) (a)1.c.)
Complex Source Rule Exemption (17-2.17(3) (a)2.c.)
Facility Relocation (17-2.17(3) (b)1.a.)
Standby Units (17-2.17(3) (b)1.b.)
Open Burning (17-2.17(3) (b)1.c.)
Source Reclassification (17-2.19)
Intra-Facility Emission Banking (17-2.20)

(2) Special Provisions for Non-Exempt Sources Within the Area of Influence

(a) Provisions for Fugitive Particulate Matter

A new source of Fugitive Particulate Matter which is to be located within five kilometers of the boundary of a particulate nonattainment area is subject to the provisions of 17-2.17(3) (b)2.b., Fugitive Particulate Matter Sources.

(b) Provisions for a Major Source which does not exceed significance levels at the site of an actual violation.

If the owner or operator of a new major source or a major modification demonstrates to the Department that the impact of the maximum allowable emissions or increase in emissions (not taking into account any emission offsets) will not exceed the significance levels at the site of an actual or, if sufficient data are not available, predicted violation of an ambient air quality standard within the nonattainment area, the source shall be exempt from the requirements of Sections 17-2.17, 17-2.18, and 17-2.19 and shall comply with the provisions of 17-2.04 (Prevention of Significant Deterioration).

(c) Significance Levels

Any change in predicted ambient air quality in excess of that shown in Table I is considered significant.

TABLE I - SIGNIFICANCE LEVELS

Pollutant	Averaging Time				
	Annual	24-Hour	8-Hour	3-Hour	1-Hour
SO_2	1.0 ug/m^3	5 ug/m^3		25 ug/m^3	
TSP	1.0 ug/m^3	5 ug/m^3			
NO_2	1.0 ug/m^3				
CO			0.5 mg/m^3		2 mg/m^3

(3) General Exemptions and Special Provisions
The general exemptions and special provisions of this subsection, 17-2.17(3), apply to sources which are located in a nonattainment area.

(a) General Exemptions

1. General Source Size, Type, or Emission Rate Exemptions.

a. Emission Cutoff Levels.

(i) A source whose potential emissions are less than the values listed in the potential emissions column of Table II shall be exempt from the provisions of 17-2.17 (4) through (7).

TABLE II: EMISSION CUTOFF LEVELS

Pollutant	Potential Emissions (lbs/hr.)	(tons/yr.)	Allowable Emissions (lbs/hr.)	(lbs/day)	(tons/yr)
SO_2	5	15	100	1,000	50
Particulate		15		1,000	50
VOC	5	15	100		50
NO_2		25			50
CO	30	100	100		50

(ii) Limited NSR Exemption.

A new source which has an allowable emission or a modification which has an allowable increase in emissions that is less than each of the allowable emission cutoff levels set forth in Table II, shall be exempt from the provisions of 17-2.17(5) through (7) and shall be permitted in accordance with the standards of 17-2.17(4).

b. Mandatory Fuel Conversion Exemption.

A source which is required to switch fuels or use alternative raw materials by reason of an order in effect under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, or by reason of an order or rule under Section 125 of the Clean Air Act of 1977, shall be exempt from the provisions of 17-2.17(5) (a)2., 17-2.17 (5) (b)2. and (b)3., and 17-2.17(5) (c), provided:

(i) The applicant demonstrates to the Department that the applicant has made its best efforts to obtain the full emission offsets required and such efforts were unsuccessful; and

(ii) The applicant has secured all available offsets; and

(iii) The applicant commits to continuing to seek the required emission offsets and to apply them when they become available.

c. Resource Recovery Projects Exemption.

A resource recovery facility which processes municipal solid waste for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse, which utilizes solid waste to provide more than 50 percent of the heat input needed to operate the facility, and which submitted an application for a permit after December 21, 1976, shall be exempt from the provisions of 17-2.17(5) (a)2., 17-2.17(5) (b)2. and (b)3., and 17-2.17 (5) (c), provided:

(i) The applicant demonstrates to the Department that the applicant has made its best efforts to obtain the full emission offsets required and such efforts were unsuccessful; and

(ii) The applicant has secured all available offsets; and,

(iii) The applicant commits to continuing to seek the required emission offsets and to apply them when they become available.

2. Specific Source Size, Type Location, or Emission Rate Exemptions.

a. Specific VOC Compounds Exemption.

For the purposes of determining VOC emission rates or total VOC emissions with respect to the provisions of these Sections 17-2.17 and 17-2.18, and 17-2.19, the following compounds are exempt:

(i) Methane;

(ii) Ethane;

(iii) Trichlorotrifluoroethane;

(iv) Methylene chloride; and

(v) 1,1,1-Trichloroethane

b. VOC Source Type Exemptions.

The following sources or types of activities are exempt from the provisions of 17-2.17(4) through (7):

(i) Degreaser Exemptions - Open-top vapor degreasers with an open area smaller than 10.8 square feet (1.0 square meter), and conveyorized degreasers with an air/vapor interface smaller than 21.6 square feet (2.0 square meters).

(ii) Petroleum Liquids Storage Exemptions - Stationary gasoline storage tanks of less than or equal to 2,000 gallons (7,570 liters) capacity, and petroleum liquid storage tanks having capacities less than or equal to 420,000 gallons (1,590,000 liters) (nominal design 10,000 bbls.) located at oil field production sites and used to store produced oil and condensate prior to lease custody transfer.

(iii) Quick-Drying Lacquer Exemption - The application of quick-drying lacquers for the repair of scratches and nicks that occur during metal products assembly, provided that the volume of coating does not exceed one quart (0.95 liters) in any one 8-hour period.

c. Complex Source Rule Exemption.

The provisions of 17-2.05(8), Complex Sources, shall not apply to VOC emissions in ozone nonattainment areas, to particulate emissions in particulate nonattainment areas, or to sulfur dioxide emissions in sulfur dioxide nonattainment areas.

(b) Special Provisions

1. General Pollutant Provisions.

a. Permits for Relocatable Facilities.

(i) A relocatable facility located in or proposed to be located in a specific nonattainment area or its area of influence which is not otherwise exempt under the provisions of this rule shall be permitted in accordance with the requirements of 17-2.17(4) through (7).

(ii) A relocatable facility which has been permitted as provided in 17-2.17(5) shall be permitted to relocate within the same nonattainment area or its area of influence if the owner or operator demonstrates to the Department that the facility has obtained sufficient new source allowance or acceptable emission offsets or both, in accordance with 17-2.18, for the new location.

(iii) A relocatable facility which has been permitted as provided in 17-2.17(4), shall be permitted to relocate within the same nonattainment area or area of influence if the owner or operator demonstrates to the Department that the facility will have allowable emission less than the cutoff levels set forth in Table II, 17-2.17(3) (a)1.a.(i), at the new location.

b. Standby Units.

(i) A standby unit or source, such as a power plant on cold standby, may be permitted, or its permit renewed, even if it is not maintained in operational status, consistent with the requirements of Sections 17-2.17, 17-2.18, and 17-2.19, if the Department concludes that during the period for which the operating permit is requested, there is a legitimate possibility that the standby unit may need to be activiated and used.

(ii) When such permit is issued, provisions shall be included in the permit setting forth what reasonable notifications the owner shall make prior to or shortly after activation of such source and to what extent such source may be operated without requiring a revision of the operating permit.

c. Open Burning.

Open burning in or near a nonattainment area shall be permitted in accordance with the provisions of 17-5, Open Burning and Frost Protection Fires.

d. Temporary Facilities.

A temporary facility shall be exempt from the provisions of 17-2.17(5) (a)2. provided the owner or operator of such facility demonstrates to the Department that the operation of such facility will not cause a violation of the ambient air quality standard for the affected pollutant. A permit to operate a temporary facility may, at the discretion of the Department, be renewed for a maximum of two additional 90-day periods.

e. Phased Construction Projects.

For phased construction projects, the determinaton of LAER shall be reviewed and modified as appropriate at the latest, reasonable time prior to commencement of each independent phase of construction of the proposed facility or modification.

f. Intra-Facility Offsets.

If a modification is made to a source within a facility but no increases in the net amount of emissions of the affected pollutant results and no adverse air quality impact is predicted to occur, such modification shall be exempt from the LAER and statewide compliance requirements of 17-2.17(5). The offsetting emission achieved elsewhere within the facility must meet the tests for acceptable emission offsets set forth in 17-2.18.

2. Pollutant Specific Special Provisions.

a. Cutback Asphalt/Gasoline Service Stations (VOC).

(i) The use, storage, or manufacture of cutback asphalt after July 1, 1980, shall comply with the provisions of 17-2.16(6) (n).

(ii) Any new gasoline service station storage tank or dispensing facility installed after July 1, 1981, shall comply with the provisions of 17-2.16(6) (k) upon initiation of operation. Any gasoline service station storage tank or dispensing facility installed prior to that date shall comply with the provisions of 17-2.16(6) (k) by July 1, 1981.

(iii) The owner or operator of a proposed new gasoline service station storage tank or dispensing facility that is to be installed after July 1, 1981, shall notify the Department (at lease 90 days prior to the proposed startup date of the facility) of the type, size, and location of the new facility and provide the Department with information related to the emissions that may result from the operation of the facility.

(iv) No later than January 1, 1981, the owner or operator of any gasoline service station storage tank or dispensing facility that was in existence on July 1, 1980, shall file information with the Department, identifying and describing each such facility, and for each stating the owner or operator's intent to operate such facility after July 1, 1981.

(v) Neither construction nor operating permits are required for gasoline service stations or the use, storage or manufacture of cutback asphalt.

b. Fugitive Particulate Matter Sources.

(i) Except as provided below, all sources of fugitive particulate matter shall be permitted in accordance with the requirements of Section 17-2.17(5) through (7).

(ii) Fugitive dust associated with sources subject to the provisions of Section 17-2.17(5) through (7) locating in an area of an actual or predicted violation of an ambient air quality standard shall be permitted in accordance with the requirements of Section 17-2.17(5) through (7).

(iii) Fugitive dust associated with sources locating in an area of influence or that portion of a nonattainment area for which the applicant demonstrates that there is no actual or predicted violation of an ambient air quality standard shall be permitted in accordance with the requirements of Section 17-2.04, Prevention of Significant Deterioration.

(4) Applicable NSPS and NESHAPS.

(a) A proposed new or modified source which is exempt pursuant to Section 17-2.17(3) (a)1.a.(ii) shall comply with any applicable Environmental Protection Agency Standard of Performance for New Stationary Sources, contained in 40 C.F.R., Part 60, and National Emissions Standards for Hazardous Air Pollutants, contained in 40 C.F.R., Part 61, or any applicable emission limiting standard in 17-2.05 or 17-2.16, whichever is more restrictive. The above references are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., and may be inspected at the Department's Tallahassee office.

(5) New Sources or Modifications

(a) Construction Permit Requirements

Except as provided in 17-2.17(1) through (4), the Department shall not issue a permit to construct a new major source or to make a major modification in a nonattainment area or an area of influence unless the following requirements have been met:

1. LAER Requirement -

The owner or operator of the proposed new or modified source shall be legally committed and bound by conditions of the permit to limiting the emissions of the affected air pollutant from the source through the application and employment of LAER.

The procedure for determining LAER is set forth in Subsection 17-2.17(6).

2. New Source Allowance/Emissions Offset Requirements -

The Department shall not issue any permit to construct any new source or to make any modification, unless a sufficient new source allowance is available, or acceptable emission offsets are obtained, or an adequate combination of both allowance and offsets is committed to such new source or modification.

a. The maximum allowable emissions for a proposed new VOC source, or the increase in the maximum allowable emissions for the proposed VOC modification, shall not be greater than the available New Source Allowance as specified pursuant to Subsection 17-2.17(7) for the nonattianment area as of the 50th day after the owner/operator has filed a complete application with the Department for such source or modification.

b. With respect to the emission of sulfur dioxide, particulate matter, nitrogen dioxide, or carbon monoxide, available increments of allowance shall be assigned to the proposed new

source as of the 50th day after the owner/operator has filed a complete application with the Department for such source or modification and evaluated in the same manner as emission offsets. If such increments of allowance do not meet the sufficiency test of 17-2.18(3) (b)1., a permit to construct shall not be issued unless the owner or operator of the proposed new or modified source obtains an acceptable emission offset, as specified in Subsection 17-2.18, for that portion of the maximum allowable emission, or increase in the maximum allowable emission, which is in excess of the available New Source Allowance, as specified in Subsection 17-2.17(7).

c. If a series of new sources or modifications is subject to the new source allowance provisions of Subsections 17-2.17(5) (a)2. pursuant to 17-2.17(7) (b), the date on which such series of modifications or new sources becomes eligible to receive an assignment of any available new source allowance shall be the 50th day after the owner or operator has filed a complete application with the Department for the last new source or modification in such series.

3. Statewide Compliance Requirement for Multiple Facility Ownership -

The owner or operator of the proposed new source or modification shall demonstrate to the Department that all major stationary sources owned or operated by such person(s) within the State of Florida are in compliance with all applicable emission limitations, equipment specification standards, and operating procedure requirements, or are on a departmentally approved schedule for compliance with such requirements.

(b) Permit Offset Identification

1. The maximum allowable emissions of the affected pollutant which may result from the operation of the new major source or major modification, shall be expressly identified and quantified in any costruction or operating permit that is issued.

2. If the proposed new major source or major modification is required to have emission offsets, any construction or operating permit issued for such source or modification shall specifically identify and quantify the amount of offset required and the source or sources providing the required emissions offset. Such identification shall include ownership, unit designations, locations, effective date of offset, and other permit identification data.

3. Before any permit is issued for the new or modified source, the permit of the offsetting source shall be revised to specifically identify and quantify the new maximum allowable emission limits for each such source providing an offset, the amount of offset provided, and the source to which such emissions offset is provided. The identification of the source to which an emissions

offset is provided shall include ownership, unit designations, locations, effective date of offset (s), and other permit identification data. Permit conditions establishing revised maximum allowable emission limits for the offsetting source pursuant to this section shall be submitted to EPA as a revision to the SIP.

(c) Operating Permit Requirements

1. All required emission offsets shall have occurred prior to the issuance of any operating permit.

(6) Lowest Achievable Emission Rate (LAER) Determinations -

(a) Basis of Determination

Except as provided in 17-2.17(1) through (4), any person who proposes to construct a new major source, or to make a major modification in a nonattainment area or area of influence shall in its construction permit application, apply to the Department for a determination of the Lowest Achievable Emission Rate (LAER) that is applicable to the affected pollutant emission that would result from the operation of the proposed new or modified source. In such application, the applicant shall recommend a determination of LAER setting forth the basis for such determination.

In making the LAER determination, the Department shall give consideration to and make a determination that reflects:

1. Any information published by the U.S. Environmental Protection Agency pursuant to Section 108 of the 1977 Clean Air Act (PL 95-95), as required by Section 178 of that Act concerning determinations of LAER. The above references are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., and may be inspected at the Department's Tallahassee office.

2. The most stringent emissions limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, (the above reference is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., and may be inspected at the Department's Tallahassee office), or the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

3. All scientific, engineering, technical material, or other relevent information available to the Department.

(b) Limitation Regarding Environmental Protection Agency Standards of Performance for New Stationary Sources -

In no event shall the determination of LAER allow a proposed new or modified source to emit any affected pollutant in excess of the amount allowable under any applicable Environmental Protection Agency Standard of Performance for New Stationary Sources, promulgated pursuant to 40 C.F.R., Part 60. The above references are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., and may be inspected at the Department's Tallahassee office.

(7) New Source Allowance

(a) Availability of New Source Allowance

1. The amount of any new source allowance available is computed as of the 50th day after the owner or operator has filed a complete application with the Department.

2. The available new source allowance as of any such date shall by equal to:

a. Any initial new source allowance as provided in Subsection 17-2.17(7) (d).

b. Plus the sum of all emission increments that may be added to the initial new source allowance prior to such date. Emission increments that may be added to the initial allowance are those which result from the permitted curtailment of hours of operation, permanent shutdown, or loss of assigned allowance, for a source that is, pursuant to 17-2.18, eligible to provide an emission offset. The amount of any such increment is equal to the amount of emission reduction that is in excess of any specific emission offset provided as a result of such action.

c. Minus the sum of all emission allowance increments assigned to persons who have filed a complete application with the Department prior to the time the applicant in question filed a complete application.

3. If the available new source allowance is not sufficient to allow the applicant's permit to be issued, the Department shall assign the available new source allowance to the applicant's source and notify the applicant in writing of:

a. The amount of new source allowance assigned to the applicant's source; and,

b. The additional amount of allowance or offset which the applicant will have to obtain to make up the difference between the amount assigned and the amount the applicant needs.

4. An application for a permit to construct or modify a source which is subject to the new source allowance/emission offsets provisions of this Subsection 17-2.17(7), is not complete if the applicant has not identified the committed offsets projected to be needed for the proposed source or modification based on the applicant's recommended emission limitation for such source or modification.

   The applicant may identify part of any available new source allowance which the applicant projects to be available for his application, in lieu of identifying specific emission offsets.

   However, if the Department determines, as of the 50th day after the owner or operator has submitted a complete application, that sufficient allowance and/or offsets are not available and committed to the applicant, the Department shall issue an intent to deny the permit requested.

(b) Series of Modifications

A series of modifications which in aggregate, since December 21, 1976, or since the last construction permit requiring new source allowance or offsets, whichever is more recent, which results in an increase in the allowable emissions of a facility greater than or equal to the emission cutoff levels in Table II shall be subject to requirements of Subsection 17-2.17(5) as of the time that the owner or operator of such facility applies to the Department for a permit to construct the modification or new source that will cause the aggregate total increase in allowable emissions within such period to exceed the amounts specified above. The Department shall require the application of 17-2.17(5) to each modification. In applying LAER, the Department shall take into account the ability to apply such technology.

(c) Quarterly Reports

The Department shall publish information in its quarterly report to the Environmental Protection Agency, summarizing information related to the new source allowance for each affected pollutant for each non-attainment area.

(d) Table of Initial New Source Allowances for Urban Ozone Nonattainment Areas:

A new source allowance in tons of VOC per year which is available in each urban ozone nonattainment area until 1982 is presented in Table III. Any unused portion of the new source allowance for an area for

any given year will be available for use in the following year. The following table represents the maximum cumulative new source allowance in tons of VOC that is available in the specified year.

TABLE III

CUMULATIVE VOC TONNAGE OF NEW SOURCE ALLOWANCE

Ozone Nonattainment Area	Years			
	1979	1980	1981	1982 and after
Duval County	125	375	625	1,400
Orange County	125	375	625	875
Palm Beach County	190	580	970	1,350
Broward County	125	375	625	875
Dade County	1,000	2,000	3,000	4,000
Hillsborough County	100	300	500	700
Pinellas County	100	200	300	400

(8) Any application for a permit not approved or denied within 90 days after receipt of a complete application, 15 days after conclusion of a public hearing held on the application, or 45 days after a recommended order is submitted to the Department, whichever is latest, will require approval by the United States Environmental Protection Agency before construction may be commenced.

17-2.18 Emissions Offsets

(1) Applicability.

The provisions of Section 17-2.18 shall be used solely in conjunction with the provisions of Section 17-2.17.

(2) Emission Offsets Required

If a proposed new source or a proposed modification is subject to the requirements of Subsections 17-2.17(5) (a) 2. and 17-2.17(7), and the maximum allowable emission for the new source, or the maximum allowable increase in emission for the modified source, is greater than the available new source allowance, then the owner or operator of such source shall obtain acceptable emission offsets.

The sufficiency of any available new source allowance or emission offsets is determined by applying the criteria set forth below in 17-2.18 (3) (b).

The acceptability of adding any new increment of new source allowance to the initial new source allowance, is determined by applying the criteria of 17-2.18 (3) (a) through (h) excluding 17-2.18 (3) (b).

(3) Acceptable Emission Offsets

(a) Emissions of an air pollutant shall only be offset by emissions of the same air pollutant.

(b) Emission offsets shall be computed on a mass emission basis in terms of maximum allowable emissions for all sources involved in the emission offsets calculation.

1. Emission offsets or increments of new source allowance for sulfur dioxide, particulate matter, or carbon monoxide are not acceptable unless the combined predicted impact of the proposed maximum permitted emission and the proposed emission offsets result in a net air quality improvement as defined in 17-2.18(4).

2. For VOC or nitrogen dioxide sources, a one-to-one emission offset is acceptable. The total permitted decrease in the emission of the offsetting source or sources shall be equal to the maximum permitted increase in the emission of the new or modified source.

(c) No emission offset will be allowed as a result of the substitution of a low reactivity hydrocarbon for a higher reactivity hydrocarbon.

(d) An emission offset may be obtained by the curtailment of production or operating hours of the offsetting source provided such curtailment is included as a legally enforceable provision in the operating permit that is issued to the offsetting source.

(e) Emission offsets shall be provided only by sources located within the nonattainment area or its area of influence within which the proposed new source is to be located, or within which the proposed modified source is located.

(f) Emission offsets shall be provided only by either an existing source, which if it were a new source, would be subject to the new source allowance/emission offsets provisions, or by a source which obtained its operating permit in accordance with 17-2.17(5) (c).

(g) For purposes of emission offsets calculations, the BEL for any of the following types of VOC sources shall be twenty 20 percent of the potential VOC emissions for such sources:

1. Petroleum Refinery Fugitive Emissions (Leaks)
2. Surface Coating of Other Metal Products - Industrial
3. Pharmaceutical Manufacture
4. Rubber Products Manufacture
5. Vegetable Oil Processing
6. Graphic Arts (Printing)
7. Flat Wood Products
8. Petroleum Liquid Storage Floating Roof Tanks
9. Ship and Barge Transport of Gasoline and Crude Oil
10. Organic Chemical Manufacture Process Streams Fugitive Emissions (Leaks)
11. Dry Cleaning
12. Wood Furniture Manufacture
13. Organic Chemical Manufacture Waste Disposal Storage and Handling

(b) Notwithstanding Subsections 17-2.18(3) (a) through (q), any source which has its permit modified to provide offsets to another source shall have its BEL reduced accordingly.

(4) Net Air Quality Improvement

A Net Air Quality Improvement means that:

(a) Over an acceptable uniform grid of receptor points, considering only the impacts of the proposed new or modified source and the source (s) providing the emissions offset, the sum of the maximum increases subtracted from the sum of the absolute values of the maximum decreases in the predicted ambient concentration of the affected pollutant within the nonattainment area, divided by the total number of receptor points within the nonattainment area, is greater than zero; and,

(b) For conditions projected to exist as of December 31, 1982, the proposed new or modified source shall not contribute to a violation of any ambient air quality standard for the affected pollutant.

A receptor point is a surface coordinate point for which an ambient air quality concentration is predicted. An acceptable uniform grid of receptor points shall include only those receptor points at which either the increase in predicted ambient concentration resulting from the proposed new or modified source or the absolute value of the decrease in predicted ambient concentration resulting from the source (s) providing the emissions offset, is greater than the appropriate significance level.

(c) The owner or operator of the proposed new or modified source shall demonstrate to the Department that a Net Air Quality Improvement will be achieved for each averaging time for which an ambient air quality standard has been established for the affected pollutant.

(5) Predictive Modeling

All air quality models and associated data bases used to determine the applicability of the various exceptions and special provisions of this section, 17-2.18, and of Section 17-2.17, shall be approved by the Department and applied in a manner consistent with the "Guidelines on Air Quality Models" (OAQPS 1.2-080 U.S. Environmental Protection Agency, April 1979) and with any other guidance provided by the Department. Any substitution for or modification of a model specified in the "Guideline on Air Quality Models" shall, with the concurrence of EPA, be approved by

the Department and justified in a manner consistent with the "Workbook for the Comparison of Air Quality Models" (OAQPS 1.2-097, U.S. Environmental Protection Agency, May, 1978). Evaluation shall be made for the condition projected to exist as of the new source or modification startup date. The above references are available for the Superintendent of Documents, U.S. Government Printing Office, Wahsington, D.C., and may be inspected at the Department's Tallahassee office.

Specific Authority 403.061, F.S.
Law Implemented 403.021, 403.031, 403.061, 403.087 F.S.
History - New 3-14-79, Amended __/__/__

17-2.19 Source Reclassification.

(1) Any source whose operating permit has been revoked as provided for in Chapter 17-4 shall be deemed permanently shut down for purposes of Section 17-2.17. Any source whose permit to operate has expired without timely renewal or transfer may be deemed permanently shut down, provided, however, that no such source shall be deemed permanently shut down if, within 20 days after receipt of written notice from the Department, the source owner or operator demonstrates that the permit expiration resulted from inadvertent failure to comply with the requirements of Section 17-4.09 and that the owner or operator intends to continue the source in operation, and either submits an application for permit renewal or complies with permit transfer requirements. At the time that such source is so permanently shut down, an amount of emission allowance equal to the Base Emission Limit (BEL) for that source, shall be added to the new source allowance for that nonattainment area.

(2) If the owner or operator of a source which is so permanently shut down, applies to the Department for a permit to reactivate or reoperate such source in the nonattainment area, the source will be reviewed and permitted as a new source.

(3) An existing source that is to be reconstructed shall be reviewed and permitted as a new source.

(a) If an owner or operator of an existing source proposes to replace components, and the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new source, he shall notify the Department of the proposed replacements. The notice must be filed with the Department 60 days before filing a complete application for a construction permit and must include the following information:

1. Name and address of the owner or operator.

2. The location of the existing source.

3. A brief description of the existing source and the components which are to be replaced.

4. A description of the existing air pollution control equipment and the proposed air pollution control equipment.

5. An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new source.

6. The estimated life of the existing source after the replacements.

7. A discussion of any economic or technical limitations the source may have in complying with the applicable standards of performance after the proposed replacements.

(b) The Department will determine, within 30 days of the receipt of the notice required by paragraph (a) of this section and any additional information it may reasonably require, whether the proposed replacement constitutes reconstruction.

(c) The Department's determination under paragraph (b) shall be based on:

1. The fixed capital cost of the replacements in comparision to the fixed capital cost that would be required to construct a comparable entirely new source;

2. The estimated life of the source after the replacements compared to the life of a comparable entirely new source;

3. The extent to which the components being replaced cause or contribute to the emissions from the source; and

4. Any economic or technical limitations on compliance with applicable emission limitations which are inherent in the proposed replacements.

17-2.20 Intra-Facility Emission Banking

(1) Except for temporary facility operating permits, and except as provided in 17-2.20(2) below, an operating permit for a source located in a nonattainment area or area of influence shall be issued for a five-year period.

(2) An operating permit for a source, located in a nonattainment area or area of influence, which has been shut down prior to the expiration date of the current operating permit may be renewed for a maximum period of two years provided:

(a) The owner of the source demonstrates to the Department that the owner intends to reactiviate the source or apply to the Department for a permit to construct a new source at the facility before the end of the two-year extension period.

(b) The owner of the source agrees to and is legally prohibited from providing the allowable emissions permitted by the renewed permit as an emissions offset to any other person.

(c) The source was operating in compliance with all applicable rules as of the time the source was shut down.

(3) If the source is in compliance with applicable requirements, in operational condition, and the owner or operator intends to continue operating the source, the operating permit shall be renewed for a five-year period.

Specific Authority 403.061, F.S.
Law Implemented 403.021, 403.031, 403.061, 403.087, F.S.
History - New

17-2.21 Severability

The provisions of this entire rule are severable. If one or more of the provisions should be invalidated, the Department intends that the other portions should become effective or remain in effect.

Specific Authority 403,061, F.S.
Law Implemented 403.021, 403.031, 403.061, 403.087, F.S.
History - New 3-18-79, Amended __/__/__.

CHAPTER 17-5

(51.13) 17-5.06 BURNING FOR COLD OR FROST PROTECTION

(1) Open Burning, Fuels, Devices, Schedules. Open burning or the use of outdoor heating devices for frost or cold protection in connection with agricultural or citrus operations is allowed, provided the fuel and the heating device used have approval from the Department prior to use.

(a) Fuels for open burning for frost or cold protection will be allowed in accordance with the following schedule:

1. Until June, 1972, all fuels shall be allowed.

2. After June, 1972, the burning of tires, rubber material, railroad cross ties, other creosoted lumber, refuse, wood, or vegetation shall be prohibited.

3. Until June, 1974, oil in open pans is allowed, provided a No. 3 or better grade fuel oil is burned.

4. After June, 1973, all fuels must have approval of the Department.

(b) Use of outdoor heating devices for frost or cold protection is allowed in accordance with the following schedule:

1. Outdoor heating devices and open pans in existence on July 1, 1971, may continue to be used until June, 1974.

2. Any new outdoor heating device must have approval of the Department prior to use.

3. After June, 1974, any outdoor heating device must have approval prior to use.

(2) List Required: Approved Fuels and Outdoor Heating Devices. The Department shall compile and maintain a list of approved fuels and outdoor heating devices. The list shall include conditions upon which approval was granted. The list shall be available to the public and may be published from time to time.